

# **TOWN OF LIMERICK ZONING ORDINANCE**



**MARCH 2020**

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## **LIMERICK ZONING ORDINANCE**

An ordinance to promote the health, safety and general welfare of the community by regulating and restricting the use and construction of buildings and premises in the Town of Limerick, Maine.

### **Article I - Preamble**

In pursuance of the authority conferred by 30-A M.R.S.A. § 4351 and §4352, for the purpose of promoting the health, safety, and general welfare of, as well as efficiency and economy in the process of development in, the incorporated Town of Limerick, Maine, by:

- securing safety from fire, panic and other dangers;
- providing areas between buildings and various rights-of-way;
- preserving the amenities now attached to our town;
- promoting good civic design and arrangements;
- providing for wise and efficient expenditure of public funds;
- provide adequate public utilities and other public requirements, and by other means.

Now, therefore, the following ordinance is hereby enacted by the voters of the Town of Limerick, Maine in official meeting convened.

## **Article II - Definitions**

For the purposes of this ordinance, terms are defined as provided in this section.

**Agronomy:** Agronomy is the science and technology of producing and using plants for food, fuel, fiber and land reclamation

**Automobile graveyard:** An “automobile graveyard” as defined in 30-A M.R.S.A. § 3752(1), as may be amended from time to time.

**Automobile recycling business:** An “automobile recycling” business as defined in 30-A M.R.S.A. § 3752(1-A), as may be amended from time to time.

**Base Station:** The primary sending and receiving site in a Communication Towers.

**Bed and Breakfast:** A single-family dwelling in which lodging or lodging and meals are provided to paying guests, offering no more than ten bedrooms for lodging purposes.

**Buffer:** Undeveloped natural land with improvements and maintenance.

**Business office:** A space used to conduct the administrative affairs of an organization.

**Campgrounds:** Any premises used for the purpose of temporary camping for which a fee is charged.

**Communication Tower:** As used in this ordinance shall mean a tower, pole, or similar structure which supports a telecommunications antenna operated for commercial purposes above ground in a fixed location, free-standing, guyed, or on a building.

**Conditional use:** A use permitted only after review and approval by the Planning Board and that would not be appropriate without review, but which, if controlled under the provisions of the Ordinance, would promote the purpose of this Ordinance.

**Construction Trade:** A business involved in construction, repair or demolition of residential or commercial structures and/or fixtures.

### **Day Care Center or Nursery School:**

- A. A facility registered with or licensed by the State that provides care or instruction to more than eight (8) children or a facility registered and licensed by the State that is not located within a residence. This term may also apply to facilities which provide day care to the elderly or to adults with disabilities.
- B. A facility registered with or licensed by the State that provides care or instruction to eight (8) or fewer children and is located within a residence. This term may also apply to facilities which provide day care to the elderly or to adults with disabilities.

**Domestic Animal Services:** Establishments primarily engaged in providing care services, including but not limited to training and grooming (cleaning, maintaining, or clipping the appearance) of domestic animals that do not require housing or boarding of such animals.

**Duplex:** A fixed structure containing two dwelling units.

**Dwelling:** A fixed structure containing one or more dwelling units.

**Dwelling unit:** A room or group of rooms designed and equipped exclusively for use as living quarters for one household, including provisions for living, sleeping, cooking, bathing, and eating. The term shall include mobile homes but shall not include trailers or recreational vehicles.

**Financial Institution:** A business or nonprofit organization providing retail financial services, including but not limited to banks, credit unions, financial exchanges, and check cashing facilities.

**Flea Market:** A shop or open market customarily providing tables or space rented to vendors selling antiques, used and new household goods, curios and the like.

**Forest Products Industry:** A business involved in the processing of logs, tree length timber or resawn lumber to produce a product such as lumber, firewood, chips, mulch, pellets, or sawdust.

**Frontage:** The length of the lot bordering on the public right-of-way, or in the case of land fronting on public water, the length in a straight line measured along the extreme boundaries adjacent to such public water at mean high water level.

**Front Yard:** Area of land extending for the full width of a lot between the nearest portion of a building and the nearest side of the right-of-way.

**Government/Municipal Facilities:** Any facility, including but not limited to buildings, property, recreation areas, police protection, fire protection, libraries, and municipal offices which are owned, leased or otherwise operated or funded by a governmental body.

**Grand fathered:** A lawfully pre-existing nonconforming use, structure or lot that does not conform to one or more requirements of the current ordinance.

**Hammerhead Turn:** A gravel or paved area built entirely outside of the right of way a minimum of fourteen feet by fifty feet (14' x 50') with fifteen feet (15') radii for the purpose of vehicular maneuvering.

**Home Occupation:** An occupation or profession carried on within a dwelling unit or accessory structure that is clearly incidental to the use of the dwelling unit for residential purposes. Customary home occupations include, but are not limited to: hairdressing, millinery, laundering, craft-making, woodworking, preserving and home cooking, or similar uses, or the office of a doctor, dentist, lawyer, musician, teacher, architect, real estate broker, computer programmer, or member of any recognized profession. Home occupation shall also include any occupation or trade carried on or away from the premises and not requiring outside storage of an inventory, stock in trade, or other equipment. This definition does not apply to farming and agriculture. A

structure, use or activity not otherwise permitted by this ordinance shall not be permitted as a home occupation.

**Housing for the elderly:** Housing constructed or adapted specifically for occupancy by elderly persons which may include central dining facilities and the provision of supportive social services.

**Industrial:** Uses involving manufacturing, finishing, packaging or processing of goods or the extraction of minerals.

**Inn:** A single building containing fewer than 20 sleeping rooms and built or converted to accommodate, for a fee, travelers who are staying for a limited duration. An inn may provide dining services to its guests and may host special functions, such as weddings, but does not include a restaurant to serve the public at-large, unless restaurants are otherwise allowed in the zoning district.

**Junk:** “Junk” as defined in 30-A M.R.S.A. § 3901, as may be amended from time to time.

**Junkyard:** A “junkyard” as defined in 30-A M.R.S.A. § 3752(4), as may be amended from time to time.

**Kennel:** An establishment operated as a business to house dogs, cats or other domesticated animals not considered to be livestock and where such animals are groomed, bred, boarded, trained or sold.

**Manufacturing:** A use that involves the manufacture, compounding, assembly, or treatment of articles or materials.

**Manufactured Housing:** “Manufactured housing” as defined in 30-A M.R.S.A. § 4358, as may be amended from time to time.

**Marijuana:** As defined by 7 M.R.S.A. Sec. 2442.

**Mobile Classroom:** A self-contained building transportable in one or more sections used for the purpose of providing educational instruction to students and which may or may not be attached to another building.

**Mobile home:** A structure transportable in one or more sections which is ten (10) body feet or more in width and is thirty-two (32) body feet or more in length and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities and includes plumbing, heating, air conditioning and electrical systems contained therein. Such a structure shall be certified by the United States Department of Housing and Urban Standards or by the applicable federal agency or act as described in 30-A M.R.S.A § 4358, as may be amended from time to time.

**Mobile home pad or pad:** A concrete area that has been established for the placement of a mobile or manufactured home, appurtenant structures, or addition.

**Mobile home park:** A “mobile home park” as defined in 30-A M.R.S.A. § 4358, as may be amended from time to time.

**Mobile home subdivision:** A “mobile home subdivision” as defined in 30-A M.R.S.A. § 4358, as may be amended from time to time.

**Motel:** A building or group of buildings in which lodging is offered to the general public for compensation and where entrance to rooms may be made directly from the outside of the building.

**Motor Vehicle Repair & Service Facility:** An establishment that provides service and maintenance to motor vehicles, including the accessory sale of fuel, parts and supplies. Such establishments include service stations; muffler, transmission and brake shops; car washes; tune up centers; painting and auto body work shops; and establishments performing engine rebuilding or structural repairs and alterations to motor vehicles.

**Multi-family residential building:** A building or portion thereof principally designed, adapted, or composed of three or more dwelling units.

**Non-conforming use:** A building or structure or the use of land, buildings or structures lawfully existing at the time of enactment of this ordinance, or any amendment thereto, that currently does not conform to the regulations of the district in which it is situated.

**Nursing Home:** A facility licensed by the State that provides skilled nursing care and medical supervision to persons who are unable to care for themselves.

**Older mobile homes, trailers:** Terms used interchangeably that mean any factory-built home that fails to meet the definition of “manufactured housing” above and, more specifically, any mobile home constructed prior to June 15, 1976.

**Parking area:** An unobstructed area consisting of one or more 162 sq. ft. parking spaces no part of which is located in or on any public or private right-of-way and the principal use of which is the temporary storing and maneuvering of vehicles.

**Permanent foundation:** A “permanent foundation” as defined in 30-A M.R.S.A. § 4358, as may be amended from time to time.

**Personal Services Establishment:** An establishment primarily engaged in providing services involving the non-medical care of a person or of his or her apparel. Such establishments may include but are not limited to beauty shops, barber shops, shoe repair shops, photographic studios, coin-operated laundries, fitness studios, and similar establishments.

**Pitched, shingled roof:** A “pitched, shingled roof” as defined in 30-A M.R.S.A. § 4358, as may be amended from time to time.

**Processing Facility:** A facility that prepares or packages and sells beef, poultry, fish products, vegetables, fruit etc.

**Recreation Facility, Indoor:** A building or portion of a building designed and equipped for the conduct of indoor sports, leisure time activities and other customary and usual recreational activities. Such facilities include, but are not limited to, skating rinks, gymnasia, bowling alleys, and video arcades.

**Recreation Facility, Outdoor:** A facility offering outdoor recreation activities including, but not limited to, cross country ski centers, ball fields, parks and playgrounds, livery, and ski tows, but not including campgrounds, outdoor movies, and outdoor dine and dance facilities, or games and activities as described in the definition of amusements.

**Repeater:** A small receiver/relay transmitter of not more than 20 watts output designed to provide service to areas which are not able to receive adequate coverage directly from a Base Station.

**Retail Business:** An establishment that sells goods or commodities directly to the consumer. For the purposes of this Ordinance, the term retail business shall include sales rooms or showrooms.

**Right-of-Way:** The easement encompassing an existing or future public or private road.

**Road, Private:** A road or way that is privately maintained. A private road shall receive no Town services, such as snowplowing, grading, paving or other maintenance.

**Road, Public:**

- A. An existing accepted state, county or Town way;
- B. A road dedicated to public use and shown upon a plan approved by the Planning Board and recorded in the York County Registry of Deeds;
- C. A road dedicated for public use and shown on a plan recorded in the York County Registry of Deeds prior to the establishment of the Planning Board.
- D. Does not include those ways which have been discontinued or abandoned.

**Seasonal residence:** Buildings used for seasonal residence only, including camps and cottages, that are structurally permanent and occupied less than six (6) months in any one twelve (12) month period.

**Single-family residence:** A fixed structure containing one dwelling unit.

**Structure:**

Anything built for the support, shelter or enclosure of persons, animals, goods or property of any kind, anything constructed or erected on or in the ground, exclusive of:

- A. Fences;
- B. Poles, wiring and other aerial equipment normally associated with service drops as well as guying and guy anchors;
- C. Mailboxes;



- D. Light fixtures;
- E. Flagpoles;
- F. Equipment or structures necessary for the purpose of making a dwelling accessible to a person with a disability, as defined by this chapter;
- G. Subsurface wastewater disposal systems as defined in 30-A M.R.S.A. §4201, Subsection 5;
- H. Geothermal heat exchange wells as defined in 32 M.R.S.A. §4700-E, Subsection 3-C; or
- I. Wells or water wells as defined in 32 M.R.S.A. §4700-E, Subsection 8.

The term "structure" includes structures temporarily or permanently located, including, but not limited to, decks, satellite dishes, or portable storage garages.

**Transportation Service:** A business engaged in the movement of goods and materials, including a for-hire service. Such businesses include, but are not limited to, the transportation of logs, sand & gravel, produce, freight and passengers.

**Two-family residence:** A fixed structure containing two dwelling units, also known as a duplex.

### **Article III - General Provisions**

- A. No owner or occupant of property in any District shall permit fire-damaged buildings beyond repair or other ruins to remain, but shall remove the same within one (1) year.
  
- B. Any uses that may be obnoxious or injurious by reason of the production or emission of odor, dust, smoke, refuse matter, fumes, noise vibrations, light, glare or similar conditions, that would be considered dangerous or a nuisance, disturbance or annoyance are prohibited.
  
- C. Nothing in this ordinance shall be construed to prevent the storage of agricultural equipment in any zone or for the shelter of riding horses for non-commercial recreational uses in any zone, provided that at least one-half acre of open space is available adjacent to the buildings.
  
- D. Subdivisions shall be regulated by the Town of Limerick, Maine Planning Board Standards for Reviewing Land Subdivision and by 30-A M.R.S.A. §§ 4400 – 4408.
  
- E. No permit for the erection of any building shall be issued unless there exists a street or road giving access to such proposed structure. Before such permit shall be issued, such street or road be improved to the satisfaction of the Road Commissioner and the Planning Board in accordance with the applicable design and construction standards and specifications of the Town of Limerick. Alternatively, and at the discretion of the Planning Board, a performance bond sufficient to cover the full cost of such improvement as estimated by the Road Commissioner may be furnished to the Town by the owner. Such performance bond shall be issued by a bonding or Surety Company approved by the Road Commissioner and shall also be approved by the Road Commissioner as to form, sufficiency and manner of execution. A satisfactory letter of credit from a financial institution may be substituted for a performance bond.

Where the enforcement of the provisions of this section would entail unnecessary hardship, or where the circumstances of the case do not require the structure to be related to the existing or proposed streets, roads or highways, the applicant for such a permit may appeal from a decision of the Building Inspector, and the same provisions for the grant of a variance shall be applied by the Board of Appeals in considering the appeal. The Board of Appeals may, in considering such appeal, impose any reasonable conditions that will protect any future street, road or highway layout. For the purposes of this section, the term “access” shall mean that the lot upon which such structure is proposed to be erected directly abuts on a street or road and has sufficient frontage thereon to allow the ingress and egress of fire trucks, ambulances, police cars and other emergency vehicles, and the frontage requirements of this ordinance shall presumptively be sufficient for that purpose.

- F. As determined by the Limerick Planning Board, all fees and costs to the Town associated with the Board's review of an application or proposal will be charged to the applicant.
  
- G. Land susceptible to flooding or with slopes of greater than 20%, 100-year frequency floodplains as identified by authorized State and federal authorities and land not suitable for development because of soil characteristics, i.e. hydric soils, which may also be hazardous to life, health or property shall not be accepted as part of a proposed subdivision or to meet minimum lot size requirements.

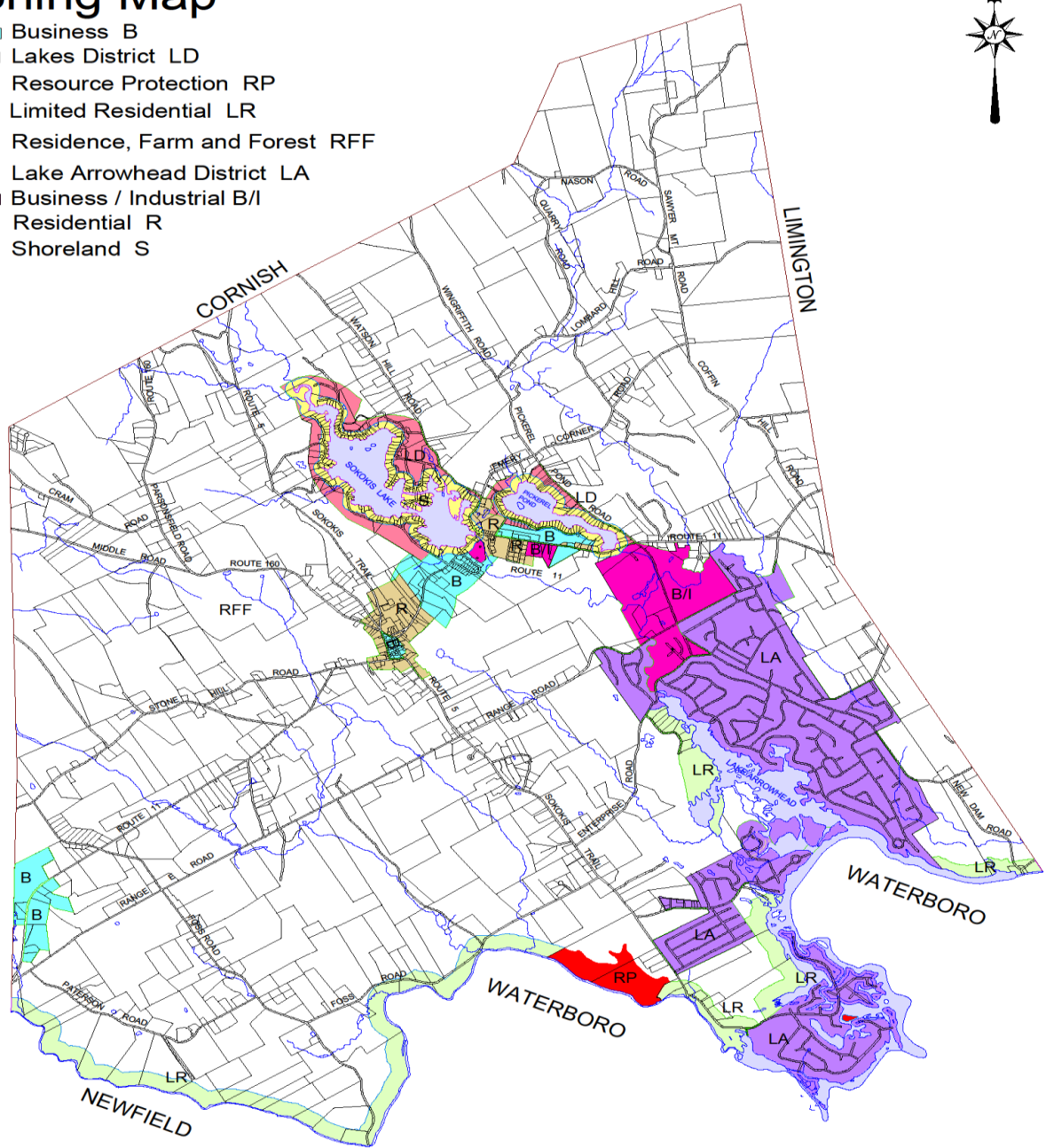
## **Article IV - Establishment of Zoning Districts**

For the purpose of this ordinance, the Town of Limerick, Maine is divided into districts as shown on the zoning map filed with the Town Clerk and dated November 5, 2013, as subsequently amended, and including the following:

- A. Residential District (Res)**
- B. Lake District (LD)**
- C. Arrowhead Residence District (LA)**
- D. Residence, Farm and Forest District (RF&F)**
- E. Business District (Bus)**
- F. Business/Industrial District (B/I)**

# LIMERICK Zoning Map

- Business B
- Lakes District LD
- Resource Protection RP
- Limited Residential LR
- Residence, Farm and Forest RFF
- Lake Arrowhead District LA
- Business / Industrial B/I
- Residential R
- Shoreland S



1500 0 1500 3000 Feet

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ZONE LINES WERE EXTRAPOLATED FROM AN OLDER ZONING MAP.  
ZONE BOUNDARIES ARE PICTORAL AND NOT INTENDED TO DEFINE GEOGRAPHIC AREAS.  
PARCEL DEPICTION AS REPRESENTED ON TAXMAPS  
AND MAY VARY FROM DEED DESCRIPTION

Approved March 10, 2017

Town Clerk \_\_\_\_\_, Date \_\_\_\_\_

## Article V - District Regulations

A. In each district, uses and conditional uses shall be those shown on the following table:

KEY: P = Permitted C = Conditional Use NP = Not Permitted

Land Use	Res	RF&F	Bus	B/I	Lake (LD)	Arrowhead Residence (LA)
Airplane Runways	P3	P	P	P	NP	NP
Antique Shops	C	P	P	P	C	NP
Automobile Graveyards*, Junkyards*	NP	NP	NP	NP	NP	NP
Bed & Breakfast*, Inn*	P2	C	P	NP	C	NP
Bulk Storage & Distribution & Dry Storage	C	P	P	P	NP	NP
Business Offices*	NP	P3	P	P	C	C
Campgrounds*	NP	C	NP	NP	C	NP
Cemeteries	P	P	NP	NP	NP	NP
Churches	P	P	P	P	NP	NP
Communication Towers*	C	C	C	P	C	C
Construction Trades*	NP	P	P	P	NP	NP
Daycare & Nursery Schools (A)*	C	C	P	P	C	C
Daycare & Nursery Schools (B)*	P	P	P	NP	C	C
Domestic Animal Services*	C	P	P	P	NP	NP
Farming	NP	P	P6	P	NP	NP
Financial Institutions*	NP	C	P	P	NP	NP
Flea Markets*	NP	C	P	P	NP	NP
Funeral Homes	P3	P3	P	P	NP	NP
Forestry Products Industry*	NP	P	P	P	NP	NP
Government/Municipal Facilities*	P	P	P	P	P	P
Home Occupations*	P	P	P	NP	C	C
Hospitals	NP	C	P	P	NP	NP
Housing for the Elderly*	C	C	P	NP	NP	NP
Kennels*, Exotic Animals & Animal Shelters	NP	C	C	C	NP	NP
Lawyer's Office, Law Real Estate & Insurance Office	P3	P	P	P	NP	C
Manufacturing*	NP	C	C	P	NP	NP
Marijuana – Retail Cultivation Facilities**	NP	NP	NP	NP	NP	NP
Marijuana – Retail Products Manufacturing Facilities**	NP	NP	NP	NP	NP	NP
Marijuana – Retail Stores**	NP	NP	NP	NP	NP	NP
Marijuana – Retail Testing Facilities**	NP	NP	NP	NP	NP	NP
Marijuana Testing Facilities**	NP	NP	NP	NP	NP	NP
Marinas	C	C	P	P	C	C
Mining & Quarrying	NP	P	NP	P	NP	NP

Land Use	Res	RF&F	Bus	B/I	Lake (LD)	Arrowhead Residence (LA)
Mobile Classroom*	C	C	C	C	C	NP
Mobile Home Parks*	C	P	NP	NP	NP	NP
Motels*	P2	C	P	NP	C	NP
Motor Vehicle Repair & Service Facilities*	NP	C	P	P	C	C
Nursing Homes* & Health Care Facilities	C	C	P	NP	NP	NP
Multi-Family Residential Buildings*	NP	NP	P	NP	NP	NP
Personal Services Establishment*	P	P	P	P	NP	C
Physicians, Dentist & Optometrists	P3	P	P	P	NP	NP
Processing Facilities*	NP	C	P	P	NP	NP
Public Sewage Collection Inceptor Treatment Disposal Syst.	NP	P	P	P	NP	NP
Recreation Facilities (indoor & outdoor)*	C	C	P	P	C	C
Redemption Center (Bottle & Can)	NP	C	P	P	NP	NP
Restaurants & Take Out Foods	C	P	P	P	NP	NP
Retail Businesses*	C	C	P	P	C	NP
Schools	C	C	C	P	C	C
Seasonal Residences*	P	P	P	NP	P	P
Single-family Residences*	P	P	P	NP	P4	P5
Slaughter House	NP	C	P	P	NP	NP
Small Engine Repair & Sales (snowmobile, ATV & Lawn Equip.)	NP	C	P	P	C	C
Solar Farm	NP	C	NP	NP	NP	NP
Theaters, Halls, Clubs & Night Clubs	NP	C	P	P	NP	NP
Transportation Services* (less than 5 employees)	NP	P	P	P	NP	NP
Transportation Services*(5 or more)	NP	C	P	P	NP	NP
Two-family Residences (Duplex*)	C	NP	P	NP	NP	NP
Used/New Car Lots	NP	C1	P1	P1	NP	NP
Veterinarians	NP	P	P	P	NP	NP
Warehousing	NP	P	P	P	NP	NP
Wholesale Business	NP	C	P	P	NP	NP

\* Definition provided in Article II.

\*\* these uses are not allowed as principal or accessory uses

### **Key for Land Use Chart**

1. Requires permit from Selectmen.
2. An area of 162 square feet (including a bay measuring 9' x 18') shall be considered sufficient for each automobile parking space. Parking areas with more than 2 parking spaces shall be so arranged that it will be unnecessary for vehicles to back into the street. Each parking space shall be accessible when all other spaces are filled.
3. Any proposed use shall provide ample parking space on the property to accommodate all such vehicles attracted by the business, but in no case shall there be less than one parking space for each 162 square feet of building floor area used for business.
4. Minimum lot area of 22,500 square feet.
5. Lot of Record: A lot shown on the plan entitled: Plan of Lake Arrowhead Estates, Section 1, Prepared by Wright, Pierce, Barnes and Wyman, and recorded in the York County Registry of Deeds in Plan Book 50, Page 12, that has been in separate ownership and has not been contiguous with any other lot under the same ownership at any time since the date of recording of that plan. If two or more contiguous lots are in the same ownership of record, they shall be considered to be a single parcel and shall not be divided except in compliance with the requirements for new lots, except that contiguous lots under the same ownership, each of which was improved with existing principal residential structure prior to July 1, 2013 and does not separately meet the lot requirements for new lots, may be divided without a variance, provided that the improved lots are divided in a manner that meets the other applicable dimensional requirements to the greatest extent possible as determined by the CEO.
6. Agronomy permitted



**B. Dimensional Requirements.**

All lots created and buildings erected after the effective date of this ordinance shall meet the following minimum requirements.

<b>District:</b>	<b>Minimum</b>	<b>Minimum</b>	<b>Minimum</b>	<b>Minimum</b>	<b>Minimum</b>
	<b>Lot area</b>	<b>Road</b>	<b>Front</b>	<b>Side</b>	<b>Rear</b>
		<b>Frontage</b>	<b>Setback</b>	<b>Setback</b>	<b>Setback</b>
	<b>(Sq. ft.)</b>	<b>(feet )</b>	<b>(feet)</b>	<b>(feet)</b>	<b>(feet)</b>
<b>Residential:</b>					
<b>On public water and sewer</b>	<b>22,500</b>	<b>100</b>	<b>15</b>	<b>10</b>	<b>20</b>
<b>On site water and/or sewer</b>	<b>62,500</b>	<b>175</b>	<b>15</b>	<b>10</b>	<b>20</b>
<b>Lake District</b>					
<b>Seasonal Use Only</b>	<b>20,000</b>	<b>100</b>	<b>15</b>	<b>10</b>	<b>20</b>
<b>Year-round use-off site water</b>	<b>35,000</b>	<b>100</b>	<b>15</b>	<b>10</b>	<b>20</b>
<b>Year-round use-on site water</b>	<b>62,500</b>	<b>100</b>	<b>15</b>	<b>10</b>	<b>20</b>
<b>Arrowhead Residence District</b>					
<b>Lots of Record under</b>					
<b>Separate Ownership</b>	<b>20,000</b>	<b>100</b>	<b>15</b>	<b>10</b>	<b>20</b>
<b>Year Round-off site water</b>	<b>20,000</b>	<b>100</b>	<b>15</b>	<b>10</b>	<b>20</b>
<b>Year Round –on site water</b>	<b>62,500</b>	<b>100</b>	<b>15</b>	<b>10</b>	<b>20</b>
<b>Residential, Farm &amp; Forest:</b>					
<b>On public water and sewer</b>	<b>35,000</b>	<b>175</b>	<b>15</b>	<b>10</b>	<b>20</b>
<b>On site water and/or sewer</b>	<b>62,500</b>	<b>175</b>	<b>15</b>	<b>10</b>	<b>20</b>
<b>Business:</b>					
<b>On public water and sewer</b>	<b>22,500</b>	<b>100</b>	<b>15</b>	<b>10</b>	<b>20</b>
<b>On site water and/or sewer</b>	<b>62,500</b>	<b>175</b>	<b>15</b>	<b>10</b>	<b>20</b>
<b>Business/Industrial:</b>					
<b>On public water and sewer</b>	<b>22,500</b>	<b>100</b>	<b>25</b>	<b>10</b>	<b>20</b>
<b>On site water and/or sewer</b>	<b>65,500</b>	<b>175</b>	<b>25</b>	<b>10</b>	<b>20</b>

## Article VI - Performance Standards

### A. Multi-family and Two-family Residential Buildings, New and Existing

The following provisions shall apply to all multi-family and two-family residential buildings except as noted:

Review of multi-family and two-family residential buildings:

- i. When a conditional use permit is required, review is under the Limerick Zoning Ordinance, including the conditional use provisions. Multi-family residential buildings will also be reviewed under the Planning Board Standards for Reviewing Land Subdivision.
  - ii. When a permitted use, review is under the Limerick Zoning Ordinance, excluding the conditional use provisions. If the proposed use is one or more multi-family buildings, review will also be under the Planning Board Standards for Reviewing Land Subdivision.
  - iii. Financial ability to construct a new multi-family or two-family residential building or to convert an existing structure into a multi-family or two-family residential building shall be proven at the sketch plan phase of application.
1. **Site Plan.** All applicants shall submit a site plan to the Planning Board at a scale of not more than 1" - 20' showing locations of principal and accessory structures, location and layout of parking, driveways, all turn radii, and road intersection radii, provisions for snow and rubbish removal, buffering, screening, and surface drainage, and provisions for playground, recreation or open space. If the complete site cannot be shown on one plan at this scale, then an additional plan at scale 1" - 50' shall be submitted. A site location map at a scale of not more than 1" - 500' shall also be submitted.
  2. **Fire Safety.** All multi-family residential buildings shall be located within five hundred (500) feet of an NFPA hydrant, as hose is laid on the street from the hydrant, and shall be sprinklered in accordance with NFPA standards and furnished with an NFPA approved fire alarm system.
  3. **Surface Water Runoff.** Surface water runoff shall be minimized and detained on-site if possible and practicable. If it is not possible to detain water on-site, downstream improvements to the channel may be required of the developer to prevent flooding caused by the project. The natural state of watercourses, swales, floodways, or rights-of-way shall be maintained to the extent possible.
  4. **Lighting.** Outdoor lighting shall be positioned and/or shielded in order to deflect bright light or glare away from neighboring residential properties.

5. Maintenance; etc. It shall be the responsibility of the owner to provide for rubbish disposal, snow removal, and site maintenance.
6. Parking. Multi-family or two-family-residential buildings shall not be constructed or enlarged (in terms of adding dwelling units) unless one paved off-street car parking space is provided for each bedroom, except that one paved car parking space shall be required for each dwelling unit within designated housing for the elderly.

An area measuring 9' x 18' shall be considered sufficient for each automobile parking space. Parking areas with more than two (2) parking spaces shall be so arranged that it will be unnecessary for vehicles to back into the street. Each parking space shall be accessible when all other spaces are filled. Parking spaces shall be provided as required, and made available for use before a final inspection is completed by the Building Inspector. An extension of one year may be granted by the Building Inspector, provided a performance bond, or its equivalent, is posted equaling the cost to complete the improvements as estimated by the Building Inspector and provided the parking space is not required for immediate use. In the event the improvements are not completed within the specified time, the bond or its equivalent shall be forfeited and the improvements henceforth constructed under the direction of the town.

7. Accessory Buildings. Garages or other accessory buildings shall not be located between the multi-family or two-family residential buildings and the front lot line. Accessory buildings shall be located so as not to inhibit the access of emergency vehicles and fire apparatus to any side of a residential building.
8. Access. The proposed development shall provide for safe access to and from public and private roads.
  - a. Safe access shall be assured by providing an adequate number and location of access points with respect to sight-distance, intersections, schools and other traffic generators. No off-street parking area shall have more than two (2) openings onto the same street, each opening not to exceed twenty-four (24) feet in width.
  - b. All corner lots shall be kept clear from visual obstructions higher than three (3) feet above ground level, for a distance of twenty-five (25) feet measured along the intersecting street lines.
  - c. The proposed development shall not have an unreasonable adverse impact on the town road system, and shall assure safe interior circulation within its site by separating pedestrian and vehicular traffic and by providing adequate parking and turn-around areas.

9. Buffers. All buffer areas shall be maintained in a tidy and sanitary condition by the property owner.
10. Recreational Space. An additional 7,200 sq. ft. of open space shall be added to the land requirements for every ten (10) bedrooms. This land shall be set aside for recreational space with a finish grade between 1.5% to 3%. Arrangements for maintenance shall be specified on the plan or in a separate document for review and approval by the Planning Board.

B. New Construction of Multi-Family or Two-Family Residential Buildings.

The following additional standards shall apply to all new construction of multi-family or two-family residential buildings:

1. Dimensional standards.
  - a. A maximum of four dwelling units shall be permitted in any single building.
  - b. Lot size shall be the larger of: 85,000 sq. feet or 6,000 sq. ft. per bedroom for each dwelling unit. Buffers, easements, right-of-ways, designated recreational open spaces and other land not suitable for development shall not be used in the above calculation.
  - c. The maximum height of new construction shall be thirty-five (35) feet from the average grade of the grounds at the foundation.
  - d. Front, rear and side setbacks shall be forty (40) feet minimum and include a twenty (20) foot buffer. If the front setback is increased to provide parking area, the width and landscaping of a front buffer shall be negotiated with the Planning Board.
  - e. Structures containing multi-family or two-family dwelling units shall be located at least fifty (50) feet apart from each other, and fifty (50) feet from structures on adjacent lots.
2. Parking. Required off-street parking for all new construction shall be located on the same lot as the principal building or facility or within one hundred (100) feet measured along lines of access as defined in Article III(E).
3. Orientation. New multi-family or two-family residential buildings shall be orientated with respect to scenic vistas, natural landscape features, topography, and natural drainage areas, in accordance with the overall plan for site development landscaping.

4. Erosion Control. Erosion of soil and sedimentation of watercourses and water bodies shall be minimized by employing the following soil and water conservation “best-management” practices.
  - a. Stripping of vegetation, soil removal, and regrading or other development shall be minimized as far as is practicable, and shall be done in such a way as to minimize erosion.
  - b. The duration of exposure of the disturbed area shall be kept to a practical minimum.
  - c. Adequate vegetation and/or mulching shall be used to protect exposed critical areas during prolonged development.
  - d. Until a disturbed area is stabilized, sediment in runoff water shall be trapped by the use of debris basins, sediment basins, silt traps, or other acceptable methods.
  - e. During grading operations, methods of dust control shall be employed.

C. Standards for Existing Multi-Family or Two-Family Structures.

The following additional standards shall apply to the proposed uses of an existing structure as a multi-family or two-family residential building.

1. Dimensional standards.
  - a. Side and rear lot-line setbacks shall be twenty-five (25) feet, and the front setback shall be ten (10) feet.
  - b. The maximum number of dwelling units to be permitted within a multi-family residential building shall be determined by the available land area for open space and parking but shall not exceed four.
2. Parking. Where residential off-street parking cannot reasonably be provided on the same lot, the Planning Board may authorize its provision on another lot within three hundred (300) feet of the existing structure. Such parking areas shall be held under the same ownership as the residential uses served, and shall be permanently dedicated to such use with a recordable document acceptable to the Planning Board.

#### D. Signs.

1. Signs relating to goods and services sold on the premises shall not exceed thirty-two (32) square feet in area, and shall not exceed two (2) signs per premises. Two-sided signs shall be considered as two separate signs.
2. Signs relating to goods and services not rendered on the premises require a permit issued by the CEO. Such signs must comply with all applicable provisions within Article VI.D.
3. Signs related to agricultural sale of products on and off premises are governed per MRSA, Title 23, Section 1913-A, Paragraph 2g.
4. Name signs shall be permitted, provided such sign shall not exceed two (2) signs per premises.
5. Residential users may display signs not more than four (4) square feet in area relating to the sale, rental or lease of the premises.
6. Signs relating to trespassing and hunting shall be permitted without restriction as to number, provided that no such sign shall exceed two (2) square feet in area.
7. No sign shall extend higher than twenty (20) feet above the ground.
8. Signs may be illuminated only by shielded, non-flashing lights.
9. No sign shall obstruct or impair the vision of vehicular and pedestrian traffic or otherwise constitute a hazard. No sign shall reduce the sight distance from any driveway, road or street below a distance of ten (10) feet for every mile per hour of the posted speed limit, Sight distance shall be measured from the driver's side of an exit lane ten (10) feet behind the curb or edge of shoulder line with the height of the eye ranging from three point-five (3.5) to six (6) feet above the pavement.
10. The following non-illuminated signs are permitted in all districts without a permit:
  - a. Signs for the control of traffic, street signs, signs indicating danger;
  - b. Signs identifying public schools and government buildings;
  - c. Political signs of less than twenty (20) square feet relating to an election, primary or referendum provided that these signs may be erected no more than six (6) weeks before voting day, and must be removed no later than one (1) week thereafter;
  - d. One (1) contractor's sign up to six (6) square feet is allowed on a property on which the contractor is performing work. The sign may identify the

contractor's name, address, and a phone number. A contractor's sign shall be removed within twenty (20) days of the completion of the job.

11. The following signs are permitted in all districts upon obtaining a sign permit from the Code Enforcement Officer:
  - a. One (1) sign not exceeding twenty (20) square feet in area at each entrance from a street to identify a residential subdivision or multi-family development;
  - b. One (1) sign not exceeding twenty (20) square feet in area, which identifies a building such as a school, fire station, church or business other than a home business;
  - c. One (1) freestanding, one or two sided, sign not to exceed twenty-five (25) square feet shall be allowed on a lot;
  - d. One (1) building mounted sign not to exceed ten (10) square feet may be mounted on each building face having a customer entrance;
  - e. One (1) free-standing sign, either one or two-sided, not to exceed fifty (50) square feet may be located at the entrance road to an industrial park or business subdivision for the identification of the park and its occupants;
  - f. Frame or trailer mounted signs are allowed for one hundred twenty (120) consecutive days once a year.
  
12. Variances from these provisions may be granted by the Board of Appeals only in cases where the sign or signs in question have cultural or historic significance, and aesthetically enhance the appearance of the Town of Limerick.

E. Mobile Home Parks

1. Licenses:
  - a. No person, firm or corporation shall establish or maintain a mobile home park within the town of Limerick without a license issued in conformity with the provisions of this Ordinance. A mobile home park existing prior to the adoption of this Ordinance is required to conform only with the licensing and fee requirements of this Ordinance, unless it has been commercially inactive for two (2) or more years in which case all the relevant provisions of this Ordinance must be met before a license may be issued. All new extensions to mobile home parks shall be required to meet the provisions of this Ordinance. Any increase in the number of mobile home lots shall be deemed an "extension" of said use, even if the outer boundaries of the premises are not proposed to be enlarged.
  
  - b. Application for a mobile home park license shall be filed with the Planning Board for review as a subdivision, except that applications for license renewals are not subject to Planning Board review. The Planning Board shall review plans of the proposal and approve, approve with conditions, or deny

approval of the proposal on the basis of standards contained herein and as contained in the Subdivision Regulations of the Planning Board. The Planning Board shall inform the Selectmen of its decision in writing and they shall act on the application.

- c. Each application for a mobile home park license shall be accompanied by a fee of one hundred dollars (\$100.00). Each application for a license renewal shall be accompanied by a fee of twenty-five dollars (\$25.00). Each such license shall expire on the last day of April next following the date of issuance. Before any license shall be renewed, the premises shall be inspected by the Health Officer and the Selectmen. If they find that all requirements of this and other Town and State Ordinances and Laws have been complied with, they shall certify the same, and the Selectmen shall issue the license.
- d. Such licenses shall be posted at all times at the mobile home park entrance or office and shall not be transferable.
- e. Upon receipt of a written request from either the Health Officer or the Selectmen, the Planning Board is authorized to revoke any license issued pursuant to the terms of this Ordinance if, after due investigation, they determine the holder hereof has violated any of the provisions of this or any applicable code, law or statute.

2. Density of Development

- a. The area of a mobile home park shall have provision for at least ten (10) mobile homes.
- b. Each mobile home park shall contain lots measuring 100' roadside by 200' depth, exclusive of roads and open spaces.

3. Utility Services and Site Management

- a. Sanitary Facilities: All provisions of the Maine Department of Human Services, Division of Health Engineering, must be met in planning of sanitary facilities.
- b. Solid Waste Disposal: The management shall dispose of refuse at least once a week.
- c. Streets and Parking:



- i. All roads shall be constructed to the standards contained in the Limerick Subdivision Standards, except that the paved width of the roads shall be 30' including sidewalks at the same level.
    - ii. There shall be at least two (2) off-street parking spaces for each mobile home lot.
  - d. Underground Utilities: All electrical, telephone, or cable television distribution lines shall be installed underground. Electrical lines shall be buried to a minimum depth of twenty-four (24) inches, and telephone and cable television lines shall be buried at least eighteen (18) inches.
4. Construction Standards:

Mobile home parks shall be constructed and installed in accordance with the following minimum standards and in accordance with all sections of this ~~Code~~ Ordinance. Mobile home parks shall provide specific areas for the location and development of mobile homes, as defined in this Ordinance-

- a. Pads: Each pad or stand, for foundation purposes, shall consist of reinforced concrete sufficiently adequate to support the weight of a mobile home without movement due to frost heaving or settling. Suitable tie-downs shall be installed and secured to each mobile home.
- b. Sewage Disposal: Each pad shall be equipped with a three (3) inch inside diameter sewage line extending at least six (6) inches above the pad and being capable of being securely sealed when not in use. Sewage systems must conform to the Plumbing Code and the MRSA.
- c. Water Supply: Each individual mobile home stand shall be provided with a five (5) foot deep manhole three (3) feet in diameter, containing a 3/4" water pipe with an adequate shut-off valve. If an adequate public supply of water is available within eight hundred (800) feet of a mobile home park, such supply must be used, subject to an engineering feasibility study. If no public water supply is available, a central water system must be provided by the owner. Water systems shall be capable of delivering two hundred fifty (250) gallons per day per lot.
- d. Electricity supply: The park electrical system or electrical equipment shall comply with all applicable state standards and regulations.
- e. Telephone: Each mobile home space shall be equipped with a telephone outlet.

- f. Street Lighting: Adequate street lights shall be placed and maintained along all roads every two hundred (200) feet, beginning at the entrance.
  - g. Oil and Gas: All oil tanks shall be furnished and placed underground by the park owner. All gas tanks shall be securely fastened.
  - h. Screened Storage: The licensee shall provide a separate screened storage area for the storage of major items or equipment owned by the tenants, such as boats, trailers, snowmobiles, etc.
  - i. Fire Protection: A mobile home park shall provide suitable ingress and egress so that mobile homes may be readily serviced in emergency situations. An adequate source of water for fire protection shall be available at all times of occupancy.
5. Individual Mobile Home Spaces
- a. Where rear abutments of units are closer than sixty (60) feet, vegetation or other screening at least eight (8) feet in height shall be provided, and sites should be oriented to natural features, topography and drainage areas where appropriate.
  - b. Each mobile home shall be skirted with fire resistant materials. All materials shall comply with the Fire Code of the State of Maine.
  - c. All outside storage sheds shall be capable of being closed, shall be placed toward the rear of lots, and may be used as a screening device.
  - d. All skirting, plus one storage shed, measuring a minimum of eight (8) feet by six (6) feet per site, shall be of uniform conventional construction materials.
  - e. All cabanas, carports, porches, extra rooms and other attached accessory structures shall comply with current zoning regulations.
  - f. All mobile homes and structures on separate lots shall be no closer than fifty (50) feet at any point. All mobile homes shall be set back at least fifty (50) feet from the street right-of-way.
6. Occupancy:  
No portion of a park shall be occupied until at least one-quarter of the mobile home spaces proposed in the mobile home park have been fully developed and are ready for use.
7. Open Space and Recreation Requirements:

A mobile home park shall contain a minimum of one-half space or 10,000 square feet of open space per ten (10) lots.

8. Responsibilities of Licensee:

The licensee of a mobile home parks shall be responsible for operating his or her respective park in accordance with all Town codes and ordinances and all State laws and regulations. The licensee shall be responsible for the maintenance of all open space areas, facilities, roads and utilities in a park, proper placement and stability of mobile homes, installation and hook-up of all utilities and skirting, and the plowing and maintenance of all roads and driveways within the mobile home park.

F. Manufactured Housing.

1. Purpose

The purposes of this section are to establish minimum standards for the placement of manufactured housing in accordance with the provisions of Title 30-A MRSA, Section 4358, "Regulation of Manufactured Housing," to restrict the location of older mobile homes and trailers, to require that manufactured housing (the newer mobile homes and single-wide modulars) be compatible with site-built homes, and to provide opportunities for the location of affordable and safe housing within the community.

2. Permit Requirements

No person, firm, corporation or other legal entity shall locate a manufactured home in the Town of Limerick, or move a manufactured home from one lot or parcel of land to another, without a permit from the Building Inspector. The Building Inspector shall issue the permit within seven (7) days of receipt of a written application and submission of proof that the manufactured home meets the requirements of this Ordinance.

3. Prohibitions

No person, firm, or corporation or other legal entity shall locate, or move from one lot or parcel of land to another, an older mobile home, trailer, or manufactured home which fails to meet the requirements of Article VI.F.5, except in a mobile home park.

4. Non-Conforming Structures

Older mobile homes and trailers, and manufactured homes which fail to meet the standards set forth in Article VI.F.5, which were lawfully established prior to the effective date of this Ordinance, shall be considered non-conforming structures and may continue and may be maintained, repaired, improved and expanded. No non-conforming structure may be moved to another lot or parcel in the Town of

Limerick, and no non-conforming structure may be replaced by another non-conforming structure but shall be replaced by a manufactured home that meets the requirements of this Ordinance. A non-conforming structure may be moved to a different location on the same lot or parcel of land.

5. Manufactured Housing Standards

All manufactured housing located in the Town of Limerick shall be at least fourteen (14) feet in width, shall contain at least seven hundred fifty (750) feet of living space, shall have a pitched, shingled roof and siding that is residential in appearance, and shall have a permanent foundation or pad. The foundation may include a poured or block frost wall, a paved pad and skirting material, or a full basement.

G. Automobile Graveyards, and Junkyards

No automobile graveyard or junkyard shall be maintained in the Town of Limerick except in accordance with the Limerick Zoning Ordinance, 30- A M.R.S.A. §§ 3751-3760 and any applicable State of Maine rules. The following additional provisions apply:

1. No structures or equipment shall be located within fifty (50) feet of any property line, public way, or within two hundred (200) feet of any dwelling not on the premises.
2. The use of burning torches for repair or dismantling of vehicles shall be confined to non-combustible floors in enclosed buildings, or in the open, only upon areas cleared of all vegetation and other combustible materials.
3. A buffer of plantings not less than fifteen (15) feet in depth shall be permanently maintained as a visual barrier to conceal salvage operations, and dismantled or stored vehicles from view of any dwelling or public right-of-way. Such vegetative screen shall have a mature height of not less than fifteen (15) feet. The Planning Board may require the planting of evergreen species. The Planning Board may require construction of an eight (8) foot high wooden fence, which shall blend harmoniously with its environs, in such cases where vegetation is not feasible, desirable or effective.
4. The proprietor of any such facility shall apply for renewal of his conditional use permit every two (2) years. Failure to comply with the provisions of this ordinance, as interpreted by the Planning Board, shall be cause for revocation of the conditional use permit after public hearing on the non-compliance.
5. This section applies to those automobile graveyards and junkyards in existence prior to March 13, 2020.

H. Parking

In the Business District, any proposed use shall provide ample parking space on the property to accommodate all such vehicles attracted by the business, but in no case shall there be less than one (1) parking space for each one hundred sixty two (162) square feet of building floor area used for business.

The purpose of this ordinance is to control and regulate parking of motor vehicles on Main Street, Limerick. The following provisions shall apply:

1. Parking by any motor vehicle in the same spot for more than two hours is prohibited.
2. Parking by any motor vehicle weighing more than  $\frac{3}{4}$  tons in the same spot for more than thirty minutes is prohibited.
3. Stopping or standing, especially by delivery vehicles, in the travel lanes of Main Street is prohibited.
4. Wrong parking, that is parking facing opposite the direction of travel of that side of the street, is prohibited.

The area covered by this ordinance is all of route 5, Main Street, between the Old Baptist Church and the Free Baptist Church.

#### I. Mobile Classrooms Regulations:

Mobile Classrooms will not be allowed in the municipality which do not provide the following within the classroom:

1. A restroom
2. Drinking water
3. A temperature controlled environment.

All Classrooms must be equipped with:

4. \* An emergency fire warning system
5. \* Fire extinguishers
6. \* A communication system that operates in conjunction with the main building.

All mobile classrooms must be placed on a concrete slab and enclosed within the school area by a fence.

#### J. Communication Towers Ordinance

##### 1. Purpose and Intent:

It is the express purpose of this ordinance to minimize the visual and environmental impacts of Communication Towers. It is the intent of this ordinance to be consistent with the State and federal law, particularly the Telecommunications Act of 1996 in that:

- a. It does not prohibit or have the effect of prohibiting the provision of Communications Towers;
- b. It is not intended to be used to unreasonably discriminate among providers of functionally equivalent services;
- c. It does not regulate Communication Towers on the basis of the environmental effect of radio frequency emissions to extent that the regulated services and facilities comply with the regulations of the Federal Communications Commission concerning such emissions; and
- d. It must comply with Article VII Conditional Uses when applicable per Article V District Regulations.

2. Dimensional Requirements:

Height: Communication Towers shall be permitted to a maximum height of two hundred feet (200') above ground level (AGL) unless limited by Federal Aviation Administration in and around existing airports.

3. Setbacks:

New Communication Towers shall be set back:

- a. at least one (1) times the height, plus fifty feet (50') from all boundaries of the site on which the facility is located; and
- b. at least three hundred feet (300') horizontally from any existing dwelling units.

4. Visual Buffer:

A screen of plantings not less than twenty feet (20') in depth shall be permanently maintained as a visual barrier to conceal Communication Towers' ground operations from view of any dwelling or public ways. Such vegetative screen shall have a planting height of at least ten feet (10') or more and a mature height of not less than thirty feet (30') unless there is a natural wooded forest to meet these requirements.

5. Lighting:

- a. No external lighting is permitted, except for manually or motion-sensor operated lights for use only when operating personnel are on site.
- b. Tower lighting is permitted if required by Federal Aviation Administration.

6. Fencing:

Security fencing shall be installed by the owner operator of any freestanding tower and shall be erected around the base and all accessory structures. All anchor points of the guy wires of a guyed tower shall also be fenced. Minimum fence height of eight feet (8') tall required.

7. Co-location:

Licensed carriers shall share Communication Tower and sites where feasible and appropriate, thereby reducing the number of Communication Towers that are stand-alone facilities. All applicants for Communication Tower shall demonstrate a good faith effort to co-locate with other carriers. Such good faith effort includes:

- a. A survey of all existing structures that may be feasible sites for co-locating Communication Towers facilities.
- b. Contact with all the other licensed carriers for commercial mobile radio services operating in the County.
- c. Sharing information necessary to determine if co-location is feasible under the design configuration most accommodating to co-location; and
- d. Personal Cell Service (PCS) Coverage maps are required.

8. Radio Frequency Radiation (RFR) Monitoring:

After the Communication Towers is operational, the applicant shall submit to the Town of Limerick, within ninety (90) days of beginning operations, and at annual intervals from the date of issuance of the permit, existing measurements of RFR from the Communication Towers. Such measurements shall be signed and certified by a Radio Frequency engineer, stating that RFR measurements are accurate and meet Federal Communications Commission Guidelines.

9. Inspection:

Inspection of communication towers by a licensed structural engineer shall be required to ensure structural integrity. Such inspections shall be at the owner's expense and required as follows:

- a. All towers-upon completion of construction.
- b. Monopole towers-at least once every ten (10) years.
- c. Self-support towers-at least once every five (5) years.
- d. Guyed towers-at least once every three (3) years.

The inspection report shall be provided to the Town of Limerick within thirty (30) days of its receipt by the tower owner. Based upon results of the inspection the Town may require the repair or removal of the communication tower.

10. Removal:

- a. Any Communication Towers which ceases to operate for a period of eighteen months shall give a letter of intent of future operations to the Town of Limerick or be removed at the expense of the applicant and/or its assigns.
- b. A Removal Bond to the Town of Limerick of sufficient funds to remove and dispose of the entire facility shall be required for the duration of the Communication Tower's existence.

11. Access Roads and Above Ground Utilities:

- a. Access roads shall be at minimum of fourteen feet (14') wide and a gravel road.
- b. Reasonable placed turnout(s) measuring four feet by forty feet (4'x40') may be required for emergency vehicles.
- c. A hammerhead turn is required.

12. Municipal:

- a. Space to be reserved on the tower for municipal's future communication purposes.
- b. Exact height to be negotiated in good faith.
- c. There will be no fees charged to the municipality for space on the tower.
- d. Municipality to supply all necessary supplies and equipment at its own expense.

K. Accessory Dwelling Units:

One (1) accessory dwelling unit shall be permitted on any property in all districts, which meet the following conditions:

1. The lot on which the accessory dwelling unit is situated meets all current dimensional requirements of the district.
2. The accessory dwelling shall contain no more than two (2) bedrooms, kitchen area, living room and a bathroom, and shall not exceed nine hundred (900) square feet of habitable floor area.
3. The unit must comply with applicable building codes, and expansion criteria of the Maine State Subsurface Wastewater rules.
4. Driveways longer than two hundred (200) feet must provide an adequate emergency vehicle turnaround.
5. On street parking will not be permitted. Additional parking and a turnaround space must be provided if needed.

L. Home Occupation

A structure, use, or activity listed as NP (not permitted) within a district in the Land Use Chart (Article V) shall not be permitted as a home occupation. The following standards apply to home occupations:

1. Except for signs as permitted by this ordinance, there shall be no external evidence of the occupation.
2. At least one member of the family occupying the premises must be engaged in the occupation.
3. There shall be no more than four employees engaged in the occupation, excluding family members.



4. The home occupation may utilize:
  - a. Not more than twenty percent (20%) of the dwelling unit floor area, provided that the (for purposes of this calculation, unfinished basement and attic spaces are not included);
  - b. Unfinished attic and basement spaces.; and
  - c. One accessory structure. The floor area utilized in the accessory structure shall not exceed fifty percent (50%) of the total floor area of the dwelling unit floor area as previously calculated.
5. Retail or other sales of merchandise produced or manufactured on the premises shall be considered a home occupation.
6. Except for excluding residential requirements, parking for a home occupation shall not exceed ten (10) spaces.
7. Home occupations that would have significant detrimental effect on the use and peaceful enjoyment of adjacent or nearby property as a result of noise, vibrations, fumes, odor, dust, light glare or other causes that would be considered dangerous or a nuisance, disturbance or annoyance to a reasonable person are prohibited.

#### M. New/Used Car Lots

1. No structures or equipment shall be located within fifty (50) feet of any property line, public way, or within two hundred (200) feet of any dwelling not on the premises.
2. The use of burning torches for repair or dismantling of vehicles shall be confined to non-combustible floors in enclosed buildings, or in the open, only upon areas cleared of all vegetation and other combustible materials.
3. A buffer of plantings not less than fifteen (15) feet in depth shall be permanently maintained as a visual barrier to conceal salvage operations and dismantled or stored vehicles from view of any dwelling or public right-of-way. Such vegetative screen shall have a mature height of not less than fifteen (15) feet. The Planning Board may require the planting of evergreen species or construction of an eight (8) foot high wooden fence, which shall blend harmoniously with its environs, in such cases where vegetation is not feasible, desirable or effective.
4. The proprietor of any such facility shall apply for renewal of his conditional use permit every two (2) years. Failure to comply with the provisions of this ordinance, as interpreted by the Planning Board, shall be cause for revocation of the conditional use permit after public hearing on the non-compliance.

## N. Marijuana

Retail marijuana establishments, including retail marijuana stores, retail marijuana cultivation facilities, retail marijuana products manufacturing facilities, and retail marijuana testing facilities, and retail marijuana social clubs are expressly prohibited as either a principal use or an accessory use in the Town of Limerick.

No person or organization shall develop or operate a business that engages in retail sales of marijuana or any retail marijuana product, both as defined by 7 M.R.S.A. § 2442.

This prohibition does not include the growing or distribution of Medical Marijuana as allowed by 22 M.R.S.A. Chapter 558-C. It also does not include personal use of marijuana or home cultivation of marijuana for personal use as allowed by 7 M.R.S.A. § 2452.

## O. Town of Limerick Large Scale Water Ordinance

### I. PURPOSE

The intent and purposes of this ordinance are:

- to protect the quality and quantity of groundwater, spring water and/or water in aquifers and their recharge areas located wholly or partially within the Town of Limerick
- to ensure that any large scale water extraction is subjected to prior review and approval so as to establish the ongoing sustainability and quality of said water supplies and the avoidance of any interruption or degradation of water quality and quantity to members of the general public within the Town of Limerick
- to generally protect the health, safety and welfare of persons dependent upon such water supplies
- to protect all private and public property, including all structures and facilities, and to ensure no degradation of existing or new roadways
- to guarantee that any water extraction does not impair vegetative growth, including forested areas, and to ensure the continuing stability and health of topsoil and surface land, especially in the extraction area

### II. AUTHORITY

These regulations are adopted pursuant to 22 M.R.S.A. § 2642 (“Municipal Regulations Authorized”) and 30-A M.R.S.A. § 3001.

Other Maine statutes referenced in this document:

- 38 M.R.S.A. § 404
- 22 M.R.S.A. § 2660-A
- 30-A M.R.S.A. § 4452

### III. EFFECTIVE DATE

This ordinance shall become effective immediately upon its adoption and enactment by secret ballot vote of the citizens of Limerick.

### IV. DEFINITIONS

In this article, the words and phrases listed below have the following meanings unless a contrary meaning is required by the context or is specifically prescribed. Terms related to groundwater extraction that is not listed below shall be defined in accordance to the following order:

- in accordance with their generally accepted technical meaning within the applicable scientific disciplines
- by their common dictionary definitions
- as defined by applicable State of Maine Statutes

#### AGRICULTURAL PURPOSES

The science or practice of farming including cultivation of the soil for the growing of crops and the rearing of animals to provide food, wool, and other products.

#### AQUIFER

An underground body of water and earth, sand, gravel or rock that contains sufficient saturated permeable geologic material to hold, conduct and yield significant quantities of groundwater to wells and springs.

#### COMMERCIAL PURPOSES

The use of lands, buildings or structures, the intent and result of which activity is the production of income from buying and selling of goods and/or services.

#### DROUGHT

A period of abnormally dry weather that is sufficiently prolonged to cause serious hydrologic imbalance in the affected area, as determined by Maine State Climate Office.

#### EXTRACTION POINT OR EXTRACTION FACILITY

The physical location where groundwater is extracted from the ground through the use of springs, wells, pumps, piping apparatus, catchments, weirs or other extractive devices, methods or technologies.

#### GROUNDWATER

Underground water resources located at or below the water table and within the pore space of consolidated sediments or in fractures in bedrock.

#### GROUNDWATER DIVIDE

The boundary between two groundwater basins which is represented by a high point in the water table or piezometric surface.

#### LARGE SCALE WATER EXTRACTION

The daily (meaning on any given day) extraction of more than five thousand (5000) gallons of ground water, spring water and/or water from aquifers or their recharge areas by any one entity or person, or consortium or association of entities or persons acting in concert, regardless of the number of extraction facilities.

#### INDUSTRIAL PURPOSES

The use of lands, buildings, structures, equipment, and/or raw materials to manufacture, finish, and/or package products by means of a large scale operation.

#### RECHARGE AREA

The physical area where water moves downward from surface water to groundwater. The recharge area contributes to replenishment of the aquifer.

#### RECHARGE RATE

The quantity of water per unit of time that replenishes or refills an aquifer.

#### REVIEWING AUTHORITY

As used in this ordinance, the Planning Board and the Select Board of the Town of Limerick is the reviewing authority.

#### WATER BODIES OR SURFACE WATERS

Lakes, ponds, rivers, wetlands, streams and similar surficial water bodies.

#### WATER EXTRACTION ACTIVITIES

The withdrawal, removal, diversion, taking or collection of groundwater by any means from aquifers, springs, wells or other groundwater resources through the use of wells, pumps, piping apparatus, catchments, weirs or other extractive devices, methods or technologies.

#### WATERSHED OR DRAINAGE BASIN

The area of land in which all precipitation (rainfall, snow melt, etc.) drains towards a single location or area and water body or watercourse. Ridges of higher ground generally form the boundaries between watersheds. At the linear boundaries of a drainage basin, precipitation falling on one side flows toward the low point of one drainage basin while precipitation falling on the other side of the boundary flows toward the single location or area and water body or watercourse of the adjacent drainage basin.

#### WATER TABLE

The level of the surface of groundwater or the water saturated zone within the underground substrate. The location of a water table is revealed by the level at which water stands in a well open along its length and which penetrates into adjacent groundwater resources.

#### ZONE OF CONTRIBUTION

The area of an aquifer that is capable of contributing groundwater to a well or other extraction point under the most severe pumping and limited recharge conditions that can be realistically

anticipated (i.e. 180 days of pumping at the maximum approved yield rate with no recharge of the groundwater resources from precipitation). A zone of contribution is bounded by groundwater divides which are evidenced by the pumping of the well and/or by the contact zones of supplying aquifers with adjacent low-permeable geologic materials such as glacial till or bedrock. Depending on local geologic and hydrologic conditions, surface water bodies, such as rivers, streams, wetlands, ponds or lakes may act as recharge boundaries and define a zone of contribution.

In all cases, a zone of contribution will extend up gradient within the related aquifer areas to the point of intersection of the aquifer with prevailing site-specific hydrogeological boundaries such as a groundwater divide, a contact zone with low-permeable geologic materials such as a glacial till or bedrock, or a recharge boundary which may be demarcated by a surface water body.

#### ZONE OF INFLUENCE

The area surrounding a pumping well within which there are or will be physical changes in the water table due to groundwater relocation, extraction or withdrawal or the interruption of groundwater recharge conditions.

### V. LARGE SCALE WATER EXTRACTION

#### A. Permit Required

The daily (meaning on any given day) extraction of more than five thousand (5000) gallons of ground water, spring water and/or water from aquifers or their recharge areas by any one entity or person, or consortium or association of entities or persons acting in concert, regardless of the number of extraction facilities utilized, shall require a written permit issued by the reviewing authority of the Town of Limerick.

#### B. Water extraction activities not requiring a permit:

The requirements of review and approval shall not apply to extraction of water which is to be used within the Town of Limerick for agricultural purposes, drinking water and domestic water supply to private residences, water supply for public facilities such as schools, public water utilities, fire suppression, or for commercial purposes and industrial purposes within the Town of Limerick.

#### C. Application Requirements

1. The application shall be in writing and be accompanied by the site plans prepared by a licensed surveyor, licensed engineer, or similar appropriately licensed professional and applicable application fees.
2. The reviewing authority shall determine that an application is complete before voting to accept the application. The date of acceptance and the beginning of the review process shall start at the time of the successful vote to accept.
3. The application shall include:

- a. Evidence of an applicant's right, title and interest in and to the property(s) from which the water is extracted. If such evidence is other than outright ownership and title as evidenced by a deed duly recorded in the York County Registry of Deeds, the entire document/documentation whether by lease, option, contract or otherwise establishing right, title and interest shall be submitted with the application.
- b. A statement of the total maximum daily quantity of water to be extracted, from all extraction points operated by the same individual or entity, or consortium or association of individuals or entities.
- c. The location(s) and number of extraction points.
- d. The method(s) of extraction.
- e. The proposed use for which the water is to be extracted, including the identity of any end user of the extracted water whose facilities for use, processing, transporting, storage, bottling, sales or other similar activities are located outside of the Town of Limerick.
- f. A copy of any application and exhibits and reports for such extraction filed or to be filed with any other municipal authority or any agency or department of the State of Maine, including as required by 22 M.R.S.A. § 2660-A et seq. (transport of water for commercial purposes), or under applicable Department of Health and Human Services rules and regulations
- g. A copy of any permit, approval, or denial for such extraction as may have been issued by any agency referred to in (f) above.
- h. A written report, certified to the reviewing authority procured and paid for by the applicant, of a hydrogeologic investigation and study, conducted and prepared by a licensed professional hydrogeologist, geologist, hydrologist, registered professional engineer or other appropriately licensed professional possessing, in the judgment of the reviewing authority, comparable credentials and qualifications. The report must address at the least the following:
  - The rate of draw down and recharge rate of any aquifer or other ground water source as may have been established by a pumping or "stress test" or other similar testing regime in accordance with accepted standards within the geology and engineering professions.
  - The characteristics of the aquifer or other ground water source, including rates of draw down and recharge, sustainable extraction rates, aquifer boundaries, recharge areas, impacts on the water table, and impacts on any and all existing water bodies including, but not limited to, lakes, ponds, rivers, streams and wetland areas, and private wells or other existing
  - extraction locations within the zone of contribution.

- Possible effects on the aquifer or other ground water resources which might result in the disturbance of existing minerals such as, but not limited to, iron, manganese, arsenic, and uranium, and any health hazards raised by such disturbances(s) or other impacts including issues such as drinking water turbidity, clarity and aroma.

4. The application shall be accompanied by:

a. Written notification of the application and an explanation of the intent, scope and location of the proposed water extraction in terms readily understandable to a layman to be addressed and mailed to, via certified mail, return receipt requested, the following:

- The owners of record of all parcels of land lying above the aquifer or other water source cited in the application.
- The owners of record of all parcels of land lying within 500 feet of the outside perimeter of the aquifer or other water source cited in the application.
- The owners of record of all parcels of land having frontage on any body of water whether lake, pond, river, stream or wetland within five hundred (500) feet of the outside perimeter of the aquifer or other water source cited in the application, even though such individual parcels may themselves lie more than five hundred (500) feet from the outside perimeter of said aquifer or other water source.
- For purposes of these notifications, the actual posting of the certified mail notices is required when the application is declared or deemed to be complete (see V.D.6.).
- For good cause shown, the above notice requirements may be modified by the Planning Board where, for example, it can be established that a body of water, a portion of which lies within 500 feet of the outside perimeter of the aquifer or other water source, extends so far from the proposed extraction point(s) that actual notice to the owners of all land having frontage on that body of water is not necessary.

b. A small-scale site plan depicting at least the following:

- The limits (outside perimeter) of the aquifer or other water source cited in the application, and the bounds of the land of the applicant.
- The location of all water bodies located within five hundred (500) feet of the outside perimeter of the aquifer or other water source.
- The location(s) of the proposed extraction points.
- The existing network of public or private roads leading to or by the extraction point(s).

- Any proposed new streets or driveways to be constructed for access to and egress from the extraction point(s), and the point(s) of intersection of such proposed streets or driveways with existing streets.
- Any existing or proposed utility lines to be utilized in the extraction operation(s).
- The location and type of monitoring and test wells.
- Any existing or proposed pipes, pipelines, aqueducts or similar that are intended to facilitate transport of extracted water from the extraction point(s) towards the intended end user, if any part of the extracted water is ultimately to be transported outside the geographic limits of the Town of Limerick.
- Any other relevant and material detail(s) bearing on the proposed extraction process, the omission of which would tend to hinder the ability of the reviewing authority, affected land owners, or the public from developing a full understanding of the scope and impact of the proposal.

c. A large-scale site plan depicting at least the following:

- A detailed plan of the extraction point(s), including without limitation, well heads, pumping facilities, monitoring or test wells, buildings, sheds, paving, vehicular drives, parking and turn around, utility lines, fencing, access roads or driveways, elevation and contour lines.
- Any other relevant and material detail(s) bearing on the proposed extraction process the omission of which would tend to hinder the ability of the reviewing authority, affected landowners or the public from developing a full understanding of the scope and impact of the proposal.

d. Traffic impact analysis:

- A traffic impact analysis, prepared, signed and sealed by a Professional Engineer registered in the State of Maine with experience in traffic engineering. The analysis shall indicate routes to be used, the expected average daily vehicular trips, peak hour volumes, access conditions at the site, distribution of traffic, types and weights of vehicles expected, and assessment of the load capability of the road/streets to be used, effect upon the level of service of the street giving access to the site and neighboring streets which may be affected, and recommended improvements to maintain the desired level of service on the affected streets.

e. Application fees:

- Initial Application Fee: \$1,000
- Amended Application Fee: \$750.00
- Annual Renewal Application Fee: \$750



#### D. Application Review Process

1. Eleven copies of the entire application, including studies, reports, site plans, fees and all other items referred to above shall be submitted to the reviewing authority.
2. The reviewing authority shall have sixty (60) days from the date of submission to conduct a preliminary review of the application solely for the purpose of determining whether the application is complete as required by these regulations.
3. If within said sixty (60) day period the reviewing authority deems the application incomplete in any material or relevant respect it shall so inform the applicant by the best practical means, either by writing or verbally at a regularly scheduled meeting of the reviewing authority at which the applicant, or its duly authorized representative, is present after which the applicant shall have a reasonable period of time, not to exceed thirty(30) days, to complete its application in accordance with these regulations, upon failure of which the application shall be deemed withdrawn.
4. If by the end of the sixty (60) or ninety (90) day period for review for completeness the reviewing authority deems the application complete, the reviewing authority shall schedule a public hearing on the application at a date not later than thirty (30) days from the date the application was deemed complete.
5. If the application is determined to be incomplete 90 days from the original submission, the reviewing authority shall notify the applicant in writing that the application is deemed withdrawn.
6. Any review of the application by the reviewing authority or its agent for completeness is preliminary only and is not to be deemed a substantive review, and confers no vested right upon the applicant or under the application. Substantive review shall not be deemed to occur until the convening of a public hearing on the application under these requirements.
7. The applicant's obligation of written notification via certified mail of property owners as set forth in V.D.3. above shall not accrue until the application is determined to be complete under these regulations.

#### E. Application Hearing Process

1. The completed application shall be reviewed by the reviewing authority at a public hearing after a fifteen (15) day published notice in a newspaper of general circulation within the Town of Limerick and posting of notice at three conspicuous public places within the Town, and upon confirmation on the hearing date that certified mail notice has been sent to all affected landowners.

2. The reviewing authority shall be entitled to adopt whatever procedural rules for the hearing including the imposition of reasonable time limits for the presentations of the applicants, opponents, if any, and the general public, it deems appropriate, fair and reasonably calculated to afford a full consideration of the issues pertaining to the application.

F. Application Decision Process

1. Upon the adjournment of the initial public hearing the reviewing authority shall schedule another public session to occur not later than thirty (30) days from the adjournment of the initial public hearing in order to deliberate and make a decision.
2. The reviewing authority's decision may be:
  - a. To approve the application;
  - b. To deny the application; or
  - c. To approve the application on a conditional basis, with conditions or stipulations that must be completed prior to the boards final approval. Any approval (conditional or unconditional) shall require the reviewing authority's determination that the applicant has satisfied all of the performance standards set forth below.
  - d. Any approval shall specify that it is only for a daily extraction total not exceeding the maximum daily quantity as set forth in the application or this Ordinance, whichever is less.
3. The reviewing authority shall issue a written decision with rulings and conclusions not later than thirty (30) days from the date of the decision to approve or deny, or approve with conditions. A copy of such decision shall be provided promptly to the applicant and otherwise be available publicly.
4. Any extraction authority granted hereunder shall be for a period not to exceed one (1) year
5. With respect to an application for a permit renewal if, after notice and hearing as referred to in section V. E. above, the reviewing authority finds the following, a renewal permit for another one (1) year period shall be issued.
  - a. There is no increase in the permit holder's extraction activities in terms of the quantity of water to be extracted; and
  - b. There is no change in the location or configuration of the extraction facility; and
  - c. There has been no material failure by the permit holder to comply with any conditions of the expiring permit; and

- d. There has been no material failure by the permit holder to meet the performance standards applicable to the expiring permit; and
- e. There is no significant, credible evidence that the permit holder's continuing operation would be unable to meet the performance standards of the regulation during any renewal period; and
- f. The application for a renewal permit must be filed with the reviewing authority not less than ninety (90) days prior to the expiration of the existing permit.

## VI. PERFORMANCE STANDARDS

No application shall be approved until and unless the reviewing authority shall have affirmatively found that each of the following performance standards has been or will be met, the burden of establishing and demonstrating compliance with which is solely the applicant's. The applicant must also demonstrate to the reviewing authority that it possesses the expertise and financial resources to provide continuing adherence to these standards.

### A Geologic and Hydrologic Standards

1. The quantity of water to be extracted will not adversely affect existing uses of groundwater or surface water surfaces, including private wells.
2. The quantity of water to be extracted will not cause undesirable changes in ground water flow patterns relating to the aquifer, its recharge areas, or other ground water sources within the Town.
3. The quantity of water to be extracted will not negatively impact, diminish or alter any surface waters within the Town, including during any period of drought.
4. The quantity of water to be extracted will not cause any ground subsidence beyond the limits of the aquifer or other water source cited in the application.
5. The quantity of water to be extracted will not adversely affect the long-term sustainability of the aquifer, or its recharge areas, or other ground water sources, including during periods of drought.

If at any time the Maine State Climate Office (MSCO) declares a drought in York County, all water extraction shall cease and not resume until the drought condition has been alleviated and has been declared over by MSCO.

The drop in groundwater level at monitored locations more than three (3) inches below the mean monthly level (as determined by the groundwater level measured in the test wells prior to the commencement of any extraction) shall be cause for the Town of Limerick to demand that all extractions cease until the groundwater level returns to two (2) inches below the original mean monthly level as defined above. This is to prevent the loss of future aquifer volume as hydrological data and research

have proven that severe withdrawal of an aquifer causes it to lose its original capacity forever in the future.

6. The proposed extraction will not create a health risk or issues such as drinking water turbidity, clarity or aroma resulting from the disturbance of existing minerals, or from any other cause, with ongoing follow up monthly testing for this purpose, results to be provided in writing to the Limerick Code Enforcement Officer on at least a monthly basis.
7. The establishment of an ongoing follow up monitoring system and development of a system of recording and documenting extraction and recharge data, within the zone of contribution, to be reported in writing to the Limerick Code Enforcement Officer on at least a monthly basis. At least twenty-five (25) percent of monitoring locations shall be private wells located within the zone of contribution.
8. The amount of withdrawal will not exceed 10,000 gallons per day. This amount can be reduced or eliminated at any time with appropriate cause such as drought conditions as specified in Section VI.A.4. or other circumstance (s) which the CEO deems applicable and appropriate.

#### B. Impacts on General Vicinity

1. The Code Enforcement Officer may enter the property where the extraction operation is located and at reasonable hours. Entry into any building may occur with the consent of the owner, occupant, or agent to conduct the inspection.
2. The applicant assumes any and all liability for the loss, interruption, degradation or interference with the pre-existing beneficial domestic use of groundwater by a landowner or lawful land occupant, or other public or private water supply, caused by the applicant's withdrawal or extraction of water, as established by 38 M.R.S.A. § 404.
3. Provision shall be made for vehicular access to the extraction facility (s) and for circulation, loading and unloading upon the lot in such a manner as to safeguard against hazards to traffic and pedestrians on adjacent streets or roads, to avoid traffic congestion with traffic safety hazards, or other safety risks.
4. Any driveways or access roads to the extraction facility (s) shall be designed in profile and grading and located so as to provide sight distance as set out in the Limerick Zoning Ordinance and State DOT requirements.
5. Driveways or access roads to the extraction facility(s) shall conform to the standards set out in the Limerick Zoning Ordinance and State DOT requirements.
6. Additional vehicular demand on existing town roads or public easements occasioned by the operation of the extraction facility (s) will not exceed the capacity of those roads, or

cause the premature failure, aging or diminished utility of those roads, as determined by the Limerick Road Commissioner. Should such damage occur, all repair cost shall be borne by the applicant.

7. To the extent the extraction facility (s) will be served by pipes, pipelines, aqueducts or similar that such installations will be sited and constructed in a manner which will not:
  - interrupt the public's use of any existing street
  - interrupt the public's access to any public facility great pond or similar
  - interrupt private access to private property or
  - pose the risk of damage to any property along or through which such installation traverses as a result of any failure or malfunction which might cause ponding, erosion, run off or similar.
8. The proposed extraction and activities incident to such extraction such as increased traffic (volume and type), parking hours or operation, noise, glare from lights, or similar potential for nuisances are unlikely to cause a negative impact on adjacent properties and the nearby vicinity as a whole.

## VII. INDEPENDENT EXPERT ASSISTANCE

If the reviewing authority reasonably determines it requires independent expert assistance to assist it in its preliminary review of the application, or in evaluating the substance of the application at a public hearing, or in developing appropriate conditions of approval, it may engage the services of such expert assistance, to serve as the reviewing authority's own expert. The applicant shall be required to pay to the Town, in advance of the scheduling of any public hearing, a sum equal to said projected or estimated cost, the failure of which payment shall excuse the reviewing authority from scheduling any public hearing until such payment is made in full.

## VIII. CONCURRENT JURISDICTION

As applicable, jurisdiction of the reviewing authority under these regulations is concurrent with such jurisdiction as may presently be vested in the Limerick Planning Board, the Select Board, the Limerick Board of Appeals, the Limerick Code Enforcement Officer and is not intended to divest them of existing jurisdiction as applicable, but rather establishes and imposes additional requirements and procedures as set forth herein.

## IX. ENFORCEMENT AND SEVERABILITY

These regulations may be enforced by the municipal officers of the Town of Limerick under 30 A.M.R.S.A. § 4452, the fines and penalties set forth therein to apply hereto. Should any section or provisions of these regulations be declared by a court of competent jurisdiction to be invalid, such decision shall not invalidate or effect the enforcement of any other section or provision of these regulations.

As an additional means of enforcement, the Planning Board may suspend or revoke any permit issued hereunder if it determines, after notice and hearing, that it was issued in error or upon incomplete or false information, or that applicant has failed to comply with any conditions of approval, and upon such suspension or revocation all water extraction addressed by said permit shall cease until a new approval or permit is obtained under these regulations by the applicant.

Appeal of any suspension or revocation of a permit shall be governed by Article X – Board of Appeals within Limerick’s Zoning Ordinance.

#### X. AMENDMENTS

The ordinance may be amended by a majority secret ballot vote at any legal town meeting when such amendment is published in the warrant calling for the meeting and when such amendment has received a public hearing, which hearing has been advertised and given a legal ten (10) day notice.

#### XI. INCONSISTENT ORDINANCE PROVISIONS

If the provisions of this ordinance are inconsistent with provisions found in other adopted ordinances or regulations of the Town of Limerick, the more restrictive provision governs unless otherwise stated.

## P. SOLAR ARRAY ORDINANCE

### DEFINITIONS

#### ARRAY:

An installation of more than one component installed, linked or wired together for a single purpose. The area of the system includes all the land of the parcel or parcels it is placed on or inside the perimeter of the system, which extends to any exterior fencing. For the purposes of this Ordinance, any single antenna or panel greater than 5,000 square feet of surface area or any single wind energy conversion unit greater than 80 feet high is included in this definition.

Examples of arrays are, but are not limited to, solar heating panels, solar photovoltaic panels, concentrated solar thermal installations, antenna arrays and wind farms.

#### BERM:

A barrier constructed of landscaped earth, four (4) feet or more in height measured from the outside base of the berm. Berms may be pierced with reasonable access ways no more than twelve (12) feet in width as approved by the Planning Board.

#### COMMERCIAL ARRAYS:

Arrays that provide power or signals for commercial applications, such as but not limited to: fee-based public supply, factories, remote traffic controls, telecommunications, or oil and gas industry applications, except as specifically exempt by this Ordinance.

#### SOLAR ENERGY CONVERSION ARRAY (SECA):

The components and subsystems required to convert solar energy into electric or thermal energy suitable for use. The term applies, but is not limited to, solar photovoltaic (PV) systems, solar thermal systems, concentrated solar thermal installations, and solar hot water systems.

### Section 1 - Purpose

The purpose of this section is to accomplish the following objectives with the least possible regulation;

1. To encourage the development of on-site energy production and consumption;
2. To protect the public health and safety;
3. To promote the general welfare of the community)
4. To meet the goals of the Comprehensive Plan;
5. To conserve the environment, wildlife habitat, fisheries and unique natural areas; and
6. To fit these systems harmoniously into the fabric of the community by providing standards for alternative energy systems and other types of arrays.

## **Section 2 - Authority**

The Limerick Planning Board is vested with the authority to review and approve, approve with conditions or reject any application for arrays as defined in this Ordinance.

1. The Limerick Planning Board reserves the right to hire independent third-party consultants to review array proposals in order to determine the impact to surrounding properties or public safety implications or resolve any other issues regarding the proposal.
2. In the event that the Planning Board requires expert opinions, advice or testimony during the course of reviewing the application, it will use due diligence to obtain and utilize free services from governmental or non-profit sources.
3. Should the Planning Board be unable to obtain and utilize free services, it shall require the applicant to pay for such services, after giving notice to the applicant of the name of the expert, the area of qualification of the expert, and the purpose for which the expert is required, and the approximate cost of the expert.
4. The applicant shall be provided with an opportunity to meet with the Planning Board to arrange a schedule for payment of the costs.
5. The applicant shall have the right to request a public hearing before the Appeals Board to determine if the experts, as noticed by the Planning Board, are necessary to a determination of any issue properly before the Planning Board, and if the approximate costs of the expert are reasonable.
6. The applicant shall request the hearing within 10 days of receipt of the notice establishing the necessity and costs of any independent third-party consultant, or such time as is agreed to by the Planning Board and the applicant.
7. It will be the applicant's burden to prove that the requested expert is unnecessary, or that the cost is not reasonable.

In addition to any other applicable provisions of this Ordinance, before granting Site Plan Approval for any land-use activity described in this section, the Planning Board must find that the proposed plan will comply with such of the following standards as are applicable.

## **Section 3 - Exempt Arrays**

The following arrays are exempt from this Article provided they meet all other requirements of this Ordinance:

1. Roof-mounted on any legally-permitted residential or residential accessory structure.
2. Ground- or pole-mounted for private use with a panel area less than 5,000 square feet.
3. Building integrated solar (i.e., shingle, hanging solar, canopy, etc.).



4. Repair or replacement of array components that do not enlarge the area of the existing array.

#### **Section 4 - Location**

Arrays may be permitted in the RFF district only subject to all requirements of securing site plan approval and a building permit:

#### **Section 5 - Site Plan Review**

All non-exempt arrays must be approved by the Limerick Planning Board through the Town of Limerick Site Plan Review process which is a part of this Ordinance.

The following requirements are additional to all other requirements of this Ordinance to be included in the Site Plan.

1. A Site Plan stamped and certified by a Maine registered engineer.
2. A revegetation plan for any cleared areas with appropriate plantings that are native to the region when the facility is decommissioned.
3. A decommissioning plan signed by the party responsible for decommissioning and the landowner (if different) whose minimum requirements meet the standards in Section 6, below. Such plan must be filed in the York County Registry of Deeds prior to the first operation of the array.
4. A Waste Stream Management Plan (WSMP) for the construction waste and debris at the site of the said Array, including but not limited to cardboard, wood, scrap metal, scrap wire, and clearing and grading wastes, from the construction site and the disposal site(s) of such waste. Information on the amount of material that is being recycled shall be included in the WSMP.

#### **Section 6 - Guarantee for Removal**

At the time of approval of a proposed array, and prior to initiating construction of any array within the Town of Limerick, the applicant must guarantee the costs for the removal of the facility.

1. The amount of the guarantee shall be equal to the estimated removal cost, provided by the applicant and certified by a professional civil engineer licensed in Maine or a professional array construction company.
2. The owner of the facility shall provide the Planning Board with a revised removal cost estimate and structural evaluation prepared by a professional civil engineer licensed in Maine or a professional array construction company every five (5) years from the date of the Planning Board's approval of the site plan.

3. If the cost has increased more than fifteen (15) percent, then the owner of the facility shall provide additional security in the amount of the increase. The applicant may also request adjustments in the guarantee.
4. Types and Contents of Guarantee

One of the following performance guarantees chosen by the applicant shall be provided on approval of the application.

a. Interest-Bearing Escrow Account

A cash contribution equal to the estimated removal cost for the establishment of an escrow account shall be made by either a certified check made out to the Town, direct deposit into a savings account, or purchase of a certificate of deposit.

- i. For any account opened by the applicant, the Town shall be named as owner or co-owner, and consent of the Town shall be required for a withdrawal.
- ii. Any interest earned on the escrow account shall be returned to the applicant unless the Town has found it necessary to draw on the account, in which case the interest earned shall be proportionately divided between the amount returned to the applicant and the amount withdrawn to complete the required work.

b. Performance Bond

A performance bond shall detail the conditions of the bond, the method for release of the entire bond or portions of the bond to the Town, and the procedures for collection by the municipality. The bond documents shall specifically reference the array facility for which approval is sought.

c. Irrevocable Letter of Credit

An irrevocable letter of credit from a bank or other lending institution shall indicate that funds have been set aside for the removal of the array facility and may not be used for any other project or loan.

The conditions and amount of the performance guarantee shall be determined by the Planning Board with the advice of the Town Selectmen, and/or Town Attorney, expenses paid for by the applicant.

## **Section 7 - Decommissioning and Abandonment**

1. The lessee of the Facility, or the owner of the parcel if there is no lessee, will do the following as a minimum to decommission the protect.
  - a. Remove all non-utility owned equipment, conduits, structures, fencing, and foundations to a depth of at least four feet below grade.

- b. Remove all graveled areas and access roads unless the owner of the leased real estate requests in writing for it to stay in place.
  - c. Restore the land to a condition reasonably similar to its condition before development, including replacement of top soil removed or eroded.
  - d. Revegetate any cleared areas with appropriate plantings that are native to the region according to the approved Site Plan unless requested in writing by the owner of the real estate to not revegetate due to plans for agricultural planting or other development subject to site plan review.
2. All said removal and decommissioning shall occur within 12 months of the facility ceasing to operate.
3. Abandonment will occur as a result of any of the following conditions unless the lessee or owner of the facility or of the parcel notifies the Code Enforcement Officer of the intent to maintain and reinstate the operation of the facility within 30 days of the following events:
  - a. The land lease ends; or
  - b. The system does not function for 12 months. or
  - c. The system is damaged and will not be repaired or replaced.

A notice of the intent to maintain and reinstate the operation of the facility shall be updated every six months with a statement of the progress made towards that goal.

If the facility has not returned to operational condition within two years from the date of the first notice of the intent to maintain and reinstate the operation of the facility the Code Enforcement Officer shall find the facility has been abandoned unless there is documentable evidence that the process has had significant progress and in the Code Enforcement Officer's opinion is likely to be completed in a timely manner.

4. Upon determination of abandonment based on the foregoing, the Code Enforcement Officer shall notify the party (or parties) responsible by certified mail or by hand delivery with signed receipt that they must remove the facility and restore the site to its condition prior to development within three hundred and sixty (360) days of notice by the Code Enforcement Officer. A copy of the notice shall be forwarded by the Code Enforcement Officer to the Board of Selectmen.
  - a. In the event the lessee of the facility fails to remove the array and its components as outlined above, the landowner shall remove the facility within 90 days-notice by the Code Enforcement Officer.
  - b. In the event the landowner fails to remove the facility as stated above, the Town of Limerick shall have the facility removed at the expense of the landowner.
  - c. Any unsaid costs associated with the removal after one year of removal shall be enforced as a tax lien placed on the real estate of the array site.

## **Section 8 - General Standards for All Arrays**

1. Arrays legally constructed prior to the effective date of this Article shall not be required to meet the requirements of this Article, unless they are expanded.
2. Unless otherwise specified through a written contract agreement, a copy of which is on file with the Limerick Code Enforcement Officer, the property owner of record will be presumed to be the responsible party for owning and maintaining the array.
3. Approval under this Article is conditional upon compliance with all other provisions of the Land Use Ordinance, the Maine Plumbing and Electrical Codes, Natural Resources Protection Acts Site Law, Stormwater Management Law or other applicable regulations and any requirements of the local utility if any array is to be connected to any existing electric grid.
4. An array shall not be constructed until the Site Plan has been approved by the Planning Board and a Building Permit has been issued by the Code Enforcement Officer and all time for appeal by others has expired during which no appeal has been filed.
5. All arrays shall be operated and located such that no disruptive electromagnetic interference with signal transmission or reception is caused beyond the site. If it has been demonstrated that the system is causing disruptive interference beyond the site, the system operator shall promptly eliminate the disruptive interference or cease operation of the system.
6. All on-site electrical wires or piping associated with the system shall be installed underground except for "tie-ins" from above-ground mounted installations and to public-utility company transmission poles, towers and/or lines. This standard may be waived by the Planning Board if the project terrain is determined to be unsuitable for underground installation.
7. The array site shall not display any permanent or temporary signs, writing, symbols, logos or any graphic representation of any kind except appropriate manufacturer's or installer's identification and warning signs.
8. Array placement must be designed to minimize or negate any solar glare onto nearby properties, airports or roadways.
9. If lighting is provided at site, lighting shall be shielded and downcast such that the light does not spill onto the adjacent parcel or the night sky. Motion sensor control is preferred.
10. Any point of potential contact of people or animals with generated electric current must be secured.

11. The boundaries of any array that border any road or any abutting residential dwelling lot shall consist of a vegetated buffer the width of the required setback along that border additionally to any fence that may be erected and existing vegetation should be used to satisfy these planting requirements where possible. No vegetation or fence shall interfere with a required clear sight triangle at a driveway or intersection.  
Berms with vegetation are encouraged as a component of any buffer and the Planning Board may allow up to 25% reduction in the required buffer width with a berm.
12. Arrays covering permanent parking lots and other hardscape areas approved by the Planning Board are encouraged in order to limit the amount of stormwater flowage. Such installations may have the vegetated buffer requirements substituted by the buffer requirements of the overall project at the discretion of the Planning Board.
13. If electric storage batteries are included as part of any array system, they must be installed according to all requirements set forth in the National Electric Code and State Fire Code when in operation. When no longer in operation, the batteries shall be disposed of in accordance with the laws and regulations of the Town of Limerick and any other applicable laws and regulations relating to solid, special, or hazardous waste disposal.
14. Financial gain from "Net metering" for electric power is not considered a commercial activity if the benefits of it are for private use.
15. 15. Collective or cooperative arrays are not considered commercial if they benefit only the collective or cooperative owners.

## **Section 9 - Solar Energy Conversion Arrays (SECA)**

### 1. Setbacks:

All parts of the SECA shall be setback from all property lines a distance equal to the required minimum setback of the district in which it is located plus ten (10) feet for each 100,000 square feet or fraction thereof of array collector surface area.

### 2. Height:

Aground- or pole-mounted SECA shall have a maximum height of 20 feet in all districts as measured from the ground level to the system's highest point at full tilt except for the Rural/Commercial, Farm and Forest, and Planned Development districts where the maximum height shall be 40 feet as measured from the ground level to the system's highest point at full tilt.

### 3. Roof Load:

The weight of any SECA proposed to be roof mounted on any nonexempt structure must be calculated and a determination must be made in writing by a registered engineer stamped certification or finding that the load rating of the underlying structure can accommodate the additional weight.

4. Lot Coverage:

The maximum surface area of a ground- or pole-mounted panel system, regardless of the mounted angle, shall be calculated as part of the overall lot coverage.

5. Design Standards:

- a. Any height limitations of this Ordinance shall not be applicable to roof-mounted solar collectors provided that such structures are erected only to such height as is reasonably necessary to accomplish the purpose for which they are intended to serve.
- b. SECA installations shall not obstruct solar access to neighboring properties.
- c. The SECA structure shall be a non-reflective color that blends the system and its components into the surrounding landscape to the greatest extent possible and incorporates non-reflective surfaces to minimize any visual disruptions.

The effective date of this Ordinance is March 13, 2020.

## **Article VII - Conditional Uses**

- A. Purpose. A conditional use permit is designed for those uses which that may be permitted as a service to the community or for the benefit of the Town's general welfare. The standards of this provision are designed to ensure adequate control of the location, design and operation of conditional uses.
- B. Planning Board Approval Standards. The Planning Board may approve an application for a Conditional Use Permit if the applicant demonstrates that the proposed use:
1. Will meet the definition and specific requirements set forth in this ordinance for the specific use;
  2. Will not have a significant detrimental effect on the use and peaceful enjoyment of adjacent or nearby property as a result of noise, vibrations, fumes, odor, dust, light, glare or other cause;
  3. Will not have a significant adverse effect on adjacent or nearby property values;
  4. Will not result in significant hazards to pedestrian or vehicular traffic or significant traffic congestion;
  5. Will not result in significant fire danger;
  6. Will not result in significant flood hazards or flood damage, drainage problems, ground or surface water contamination, or soil erosion;
  7. Will not create a safety hazard because of inadequate access to the site, or to the buildings on the site, for emergency vehicles;
  8. Has proposed exterior lighting that will not create hazards to motorists traveling on adjacent public streets, is adequate to the safety of occupants or users of the site, and will not damage the value and diminish the usability of adjacent properties;
  9. Makes provisions for buffers and on-site landscaping which provide adequate protection to neighboring properties from detrimental features of the development;
  10. Makes provisions for vehicular loading and unloading and parking for vehicular and pedestrian circulation on the site and onto adjacent public streets which neither create hazards to safety nor impose significant burdens on public facilities;
  11. Makes adequate provision for disposal of waste water or solid waste and for the prevention of ground or surface water contamination;
  12. Makes adequate provision to control erosion or sedimentation;

13. Makes adequate provision to handle storm water run-off and other drainage problems on the site;
14. Provides for a water supply which that will meet the demands of the proposed use;
15. Makes adequate provision for the transportation, storage, and disposal of hazardous substances and materials as defined by State law;
16. Will not have an adverse impact on significant scenic vistas or on significant wildlife habitat which that could be avoided by reasonable modification of the plan.

- C. Public Hearing. A public hearing shall be held by the Planning Board following an application for a Conditional Use Permit.
- D. Written Findings. All findings by the Planning Board under these provisions shall be accompanied by written statements that set forth the reasons why the findings were made.
- E. Attachment of Conditions; Violation. Upon consideration of the standard in Article VII.B, the Planning Board may attach such conditions, in addition to those required elsewhere in this ordinance, that it deems advisable to satisfy those standards. Violation of any of these conditions shall be a violation of the ordinance. Failure to comply with the provisions of this ordinance, as interpreted by the Code Enforcement Officer shall be cause for revocation of the Conditional Use Permit. Changes that alter the conditions or provisions of the permit as issued will be a violation. Such conditions may include, but are not limited to, specifications for: type of vegetation; increased setbacks and yards; specified sewage disposal and water supply facilities; landscaping and planting screens; period of operation; operational of controls; professional inspection and maintenance; sureties; deed restrictions; restrictive covenants; location of piers, docks, parking and signs; type of construction; or any other condition necessary to satisfy the standards in Article VII.B. A change in ownership does not constitute a change in use.
- F. Conditional Use Permit for Spreading of Sludge.

Definitions:

In-Vessel Composting: Sludge that is maintained in a heating vessel at 55 degrees for ten days or longer.

Sludge: The solid, semi-solid or liquid generated by a municipal, commercial or industrial wastewater treatment plant. Sludge is one type of residual and is included when the term "residual" alone is used. The term "sludge" does not include (nor does this Ordinance seek to regulate) either material of the same origin that has been treated and packaged for retail sale as garden fertilizer or any non-processed agricultural waste.



1. Application Procedure: An application form may be obtained from the Code Enforcement Officer and must be filed with the Planning Board ninety (90) days before the first delivery date. The application shall include the following:
  - a. Completed “Application for Sludge Utilization” prepared for the Department of Environmental Protection (“DEP”).
  - b. Fee of five hundred dollars (\$500.00).
  - c. Map of the proposed site.
  - d. Results of baseline testing from wells and soils tests located adjacent to the spreading site.
  - e. Description of management techniques to protect ground and surface waters.
  - f. By descriptive letter and/or other proof of insurance, evidence of the applicant’s complete acceptance of liability and financial capacity to mitigate any potential damage to humans, animals, soil or water resources caused by the storage or application of proposed residual. The amount of insurance shall be no less than three million dollars (\$3,000,000.00) covering liability to the Town of Limerick.
  - g. The Board, after initial review of the application, may require other such information as it deems necessary to guarantee adequate protection of the public health and safety. This may include, but is not limited to, background water tests of existing wells or additional hydrogeologic data. Additional testing shall only be required when there is evidence of a circumstance at or in the vicinity of a specific site that was not adequately addressed by the DEP in its review or that the Planning Board believes was not adequately addressed by the applicant. Well-substantiated public comment may give cause for the Board to require additional baseline testing or other information.

## 2. Review Procedure

Upon receipt of the application, the Chairman or Secretary of the Board shall set a date for the first consideration of the application and prepare a public notice thereof. The notice will include mention of the baseline water tests recommended for wells within five hundred (500) feet of the proposed activity. The Board shall provide the applicant with a copy of the notice and direct the applicant to deliver a copy to all abutters and property owners within one thousand (1,000) feet of affected sites of the proposed activity. The applicant is responsible for all costs incurred in fulfilling the review requirements.

The Board shall communicate with the DEP to ascertain the status of the applicant’s State permit. If the Town permitting process moves ahead of the State process, the Town shall make receipt of a DEP permit a conditional requirement of the Town’s permit.

Utilizing any information received from abutters and other concerned citizens, the CEO shall inspect the proposed site(s) to verify information presented in the application. The CEO shall notify the DEP and the Board of his/her findings. The Planning Board shall determine whether additional or corrected information is required of the applicant.

Within thirty (30) days of filing the application, the Board shall notify the applicant in writing either that the application is complete, or what other material must be provided. The Board shall grant, grant with conditions, or deny the permit within sixty (60) days of the meeting at which it determines that it has received a completed application.

If sufficient interest is shown, the Board shall hold a public hearing within forty-five (45) days of receiving the completed application in order to solicit public input.

Within seven (7) days of reaching its decision, the Board shall notify the applicant in writing of the action taken by the Board.

A permit issued under this Ordinance shall be valid for a period of five (5) years from the date of issuance and shall be subject to annual review by the Board. Each November, the Code Enforcement Officer shall make a report to the Board on the status of each permit conditions of approval to determine if the conditions were met for the previous year. A permit to add one or more site(s) to an existing permit shall lapse at the same time as the original permit.

### 3. Monitoring and Enforcement

- a. Monitoring of all testing and spreading shall be supervised by the Code Enforcement Officer and the Health Officer of the Town of Limerick and/or their appointed representatives in conformity with EPA standards or more stringent standards set by the Limerick Planning Board. Enforcement of this Ordinance shall be the duty of the Selectmen of the Town who is hereby given power and authority, to enforce the provisions of this Ordinance.
- b. Testing of Sludge: All material shall be tested using levels, tests and standards as set by the EPA document #40 CFR Part 503 regulation approved by the EPA (11-25-92) with a test frequency at least as strict as EPA standards, set by the Town of Limerick and carried out by an independent laboratory, and with the option of increasing the stringency of all tests, levels, standards and frequencies as deemed necessary by the Limerick Planning Board.

Minimum testing shall be as follows:

- i. Within seventy-two (72) hours of delivery to the site to any spreading.
- ii. Sixty (60) and One hundred twenty (120) days after spreading (for loading only).

- iii. Prior to any additional material being spread.
  - c. The cost of all testing will be paid by the license holder.
  - d. The Town of Limerick will only accept Sludge that has been processed by “in 55 degrees Celsius, or higher, for ten (10) days or longer.
- 4. Testing of Water Wells
  - a. Any persons having land abutting the spreading areas shall be entitled to have their well water tested:
    - i. Before spreading for a baseline.
    - ii. Yearly, while license remains in effect.
    - iii. Once after license ends as a closing baseline.
  - b. All cost of testing will be paid by the license holder.
- 5. Covenant on Deed of Landholder
  - a. The spreading of sludge on any land will require a protective covenant to be recorded at the County seat on the deed of the landholder.
- 6. Field Stacking

The term “field stacking” is defined as the stacking of materials for no longer than seventy-two (72) hours before spreading. In the case of inappropriate spreading, conditions, or lack of test results, an extension may be granted.

- a. Conditions for field stacking materials:
    - i. Materials to be field stacked shall be placed on and covered with a waterproof material to prevent leaching into the soil and becoming airborne.
    - ii. Each load of material shall be kept separate from ~~the~~ others for testing.
- 7. Overseeing of Spreading
  - a. Forty-eight (48) hours notice will be given to the CEO of the town.
  - b. At the CEO’s discretion, a time shall be given to the licensee to spread. The spreading shall be overseen by the CEO or his appointed alternate.

## **Article VIII - Nonconforming Uses**

- A. Any nonconforming use other than the uses specified in B. and C. below may continue in its present use except that the use may not be:
  - 1. Changed to another non-conforming use.
  - 2. Re-established after discontinuance for one (1) year except to a use conforming to the District in which it is located.
  - 3. Expanded.
- B. No junkyard may continue as a non-conforming use for more than one (1) year after the effective date of this Ordinance, except that a junkyard may continue as a non-conforming use in a Business/Industrial District if within that period it is completely enclosed within a continuous solid fence of such height, not less than eight (8) feet high in any case, as to screen completely the operations of the junkyard. Plans of such building or fence shall be approved by the Board of Selectmen before it is erected.
- C. No outdoor advertising structure may continue as a non-conforming use for more than two (2) years after the effective date of this Ordinance unless it is designed to direct attention to a business or profession conducted on the premises.
- D. In the case of existing non-conforming uses, a structure may be rebuilt within the limits of the existing footprint and design.

## **Article IX - Enforcement**

- A. It shall be the duty of the Code Enforcement Officer, who is hereby given power and authority, to enforce the provisions of this Ordinance.
- B. The Code Enforcement Officer shall issue any and all building permits requested when such permit is in accordance with the provisions of this Ordinance.
- C. Permits. After the passage of this Ordinance, it shall be unlawful to erect any building or alter the dimensions of any building or relocate any building in any district without first obtaining a building permit from the Building Inspector.
- D. Basic maintenance and repairs to structures such as roof replacements, clapboard or vinyl siding installation, painting, or window replacement, etc. do not require a permit. It is the responsibility of the property owner to contact the CEO to determine if a permit is required prior to beginning work on a structure.
- E. Upon any well-founded information that this Ordinance is being violated, the Code Enforcement Officer shall, on their own initiative, take immediate steps to enforce the provisions of this Ordinance by seeking an injunction in the Superior Court or by any other legal action.

## **ARTICLE X-BOARD OF APPEALS**

### **A. Establishment**

A Board of Appeals is hereby established pursuant to 30-A M.R.S.A. § 2691.

### **B. Appointment**

1. Members of the board of appeals shall be appointed by the municipal officers, who shall determine their compensation, and be sworn by the municipal clerk or other person authorized to administer oaths.
2. The board shall consist of five (5) members.
3. The term of each member shall be three (3) years.
4. When there is a permanent vacancy, the municipal officers shall appoint a person to serve for the unexpired term. A vacancy shall occur upon the resignation or death of any member, or when a member fails to attend four (4) consecutive regular meetings without a reasonable excuse, or when a member ceases to be a voting resident of the town. The municipal officers may remove members of the board of appeals by majority vote, for cause, after notice and hearing.
5. Neither a municipal officer nor his or her spouse may serve as a member or alternate member of the board of appeals.

### **C. Organization, Rules and Procedures**

1. The board shall elect a chairperson, cochairperson, and a secretary from among its full voting members and create and fill such other offices as it may determine. The term of all offices shall be one (1) year with eligibility for reelection.
2. Any question of whether a particular issue involves a conflict of interest sufficient to disqualify a member from voting thereon shall be decided by a majority vote of the members of the board present and voting, except the member who is being challenged.
3. The chairperson shall call one regular meeting each month, provided there is business to conduct.
4. No meeting of the board shall be held without a quorum consisting of three (3) members. No action shall be taken on the issue before the board without a majority vote of those members present and voting.
5. The chairperson shall call one meeting annually to elect officers.

#### **D. Duties and Powers**

1. The board of appeals may adopt rules and procedures for transaction of business and the secretary shall keep a record of its resolutions, transactions, correspondence, findings, and determinations.
2. The board of appeals shall file all rules and procedures and subsequent revisions with the Town Clerk. Copies shall be provided to the municipal officers for their information.
3. The board of appeals shall perform such duties and exercise such powers as are provided by the ordinances of the Town of Limerick and the laws of the State of Maine.
4. The board of appeals may obtain goods and services necessary to its proper function within the limits of appropriations made for the purpose.
5. The Board may interpret the provisions of any applicable municipal ordinance it has been given the jurisdiction to hear.

#### **E. Jurisdiction**

1. The Board of Appeals is authorized to hear and decide appeals as an appellate review where it is alleged there is an error in any administrative decision, order, requirement, or determination made by the Code Enforcement Officer or Planning Board under the following Ordinances.
  - a. Zoning Ordinance of the Town of Limerick, Maine.
  - b. Planning Board Standards for Reviewing Subdivisions.
  - c. Shoreland Zoning Ordinance of the Town of Limerick, Maine.
  - d. Flood Plain Ordinance of the Town of Limerick, Maine.
  - e. Sludge Ordinance of the Town of Limerick, Maine.
  - f. Building Code Ordinance of the Town of Limerick, Maine.
  - g. The Growth Ordinance of the Town of Limerick, Maine.
  - h. The Communication Tower Ordinance of Limerick, Maine.
2. The Board of Appeals is authorized to hear variances in specific cases but only within the limitations set forth in this ordinance.
3. The Board of Appeals is authorized to hear the following:

A. Permit a non-conforming temporary use for an initial period of not more than two years. Permits may be renewed by the Board of Appeals for successive periods of not more than one year each.

B. Permit in a Commercial District manufacturing which is incidental to a retail business where articles are sold at retail on the premises and where not more than five (5) operators are employed in such manufacturing.

C. Permit in a Commercial District trailer camps or mobile home subdivisions provided that no trailer or mobile home shall be located on a lot smaller than 2,000 square feet in area and follow the regulations adopted by the Selectmen and as outlined in the State Plumbing Code.

## **F. Variances**

1. Variances may be permitted only under the following conditions:

a. Variances are obtainable only for height, minimum lot size, structure size, setbacks, and open space requirements.

b. An application for a variance may be filed directly with the Board of Appeals in accordance with the procedures below.

c. For a variance appeal the applicant shall submit:

1. A sketch drawn to scale of 1" = 100' showing lot lines, location of existing building and other physical features pertinent to the variance request.

2. A concise written statement stating what variance is requested.

d. Variances cannot, under any circumstances, be obtainable for establishment of any uses otherwise prohibited.

e. The Board shall not grant a variance unless it finds that all the following criteria are met:

1. that the land in question cannot yield a reasonable return unless a variance is granted;

2. that the need for a variance is due to the unique circumstances of the property and not the general conditions in the neighborhood;

3. that the granting of a variance will not alter the essential character of the locality; and



4. that the hardship is not the result of action taken by the applicant or a prior owner.

f. The Board shall limit any variances granted as strictly as possible in order to preserve the terms of the Ordinance as much as possible, and it may impose such conditions to a variance as it deems necessary to this end.

g. The Board of Appeals is also authorized to hear and decide requests for disability variances as provided in 30-A M.R.S.A. § 4353 (4-A).

## **G. Appeal Procedure**

### **1. Making an Appeal**

a. Any appeal authorized by this Article may be taken to the Board of Appeals. Where an appeal is taken by an aggrieved person from any administrative decision of the Code Enforcement Officer or Planning Board, the appeal shall be taken within thirty (30) days of the decision appealed from, and not otherwise, except that the Board, upon a showing of good cause, may waive the thirty (30) day requirement.

b. An appeal shall be made by filing with the Board of Appeals a written notice of appeal, specifying the grounds for such appeal.

c. The Board of Appeals shall notify the Board of Selectmen, Planning Board, Code Enforcement Officer, and applicant of the appeal. Notice shall also be provided, where the appeal is of an approved permit, to the holder of the permit. In the case of an application for a variance in a shoreland zoning district, a copy of the application, together with all supporting information provided by the applicant, shall be forwarded to the Commissioner of the Maine Department of Environmental Protection at least twenty (20) days prior to taking any action on the variance application. If the Commissioner of the Department of Environmental Protection submits any comments in response to the variance application, the Board of Appeals shall make such comments part of the record and shall consider them prior to taking action on the variance application.

d. Upon being notified of an appeal, the Code Enforcement Officer or Planning Board shall transmit to the Board of Appeals all the papers specifying the record of the decision appealed from.

e. The Board of Appeals shall hold a public hearing on the appeal within thirty-five (35) days of its receipt of an appeal application. Notice of the date, time, and place of the hearing shall be placed in one newspaper of general circulation in

the area at least seven (7) days prior to the hearing. All costs of the hearing such as: public notice, secretary fees, etc. are to be borne by the applicant.

f. In an administrative appeal the applicant has the burden of proof to demonstrate that the Code Enforcement Officer or Planning Board acted contrary to the Ordinance. The Board of Appeals shall hear an appeal of any decision of the Planning Board on an appellate basis and shall limit its review to the record developed before the Planning Board and shall not accept any new evidence or testimony. The Board of Appeals may only reverse a decision of the Planning Board if it determines that the Planning Board's decision was based on an error of law or a mistake of fact.

## 2. Hearings

a. In any appeal from a decision of the Code Enforcement Officer or any variance appeal, the Board shall conduct a de novo hearing as follows:

i. The Board may receive any oral or documentary evidence, but shall provide as a matter of policy for the exclusion of irrelevant, immaterial or unduly repetitious evidence. Every party shall have the right to present his/her case or defense by oral or documentary evidence, to submit rebuttal evidence and to conduct such cross examination as may be required for a full and true disclosure of the facts.

ii. The appellant's case shall be heard first. To maintain orderly procedure, each side shall proceed without interruption. Questions may be asked through the Chairperson. All persons at the hearing shall abide by the order of the Chairperson.

iii. At any hearing a party may be represented by agent or attorney. Hearings shall not be continued to other times except for good cause.

iv. The Code Enforcement Officer shall attend all hearings and may present to the Board of Appeals all plans, photographs, or other material s/he deems appropriate for an understanding of the appeal.

v. The transcript of testimony, if any, and exhibits, together with all papers and requests filed in the proceedings, shall constitute the record.

vi. The Board of Appeals shall include a statement of its findings of fact and conclusions of law as part of its decision.

b. The Board of Appeals shall hear any appeal of a decision of the Planning Board solely on an appellate basis and shall only reverse a decision of the Planning Board that contains one or more errors of law or fact.

- i. The Board of Appeals shall not consider or accept new evidence or testimony and shall limit its review to the record developed before the Planning Board.
- ii. The person bringing the appeal and any persons in opposition to the appeal shall be limited to a presentation of arguments as to why the decision of the Planning Board is in error.

## **H. Decisions of the Board of Appeals**

1. A majority of the members of the Board shall constitute a quorum for the purpose of deciding an appeal or variance. A member who abstains shall not be counted in determining whether a quorum exists.
2. The concurring vote of a majority of the members of the Board making up the quorum shall be necessary to reverse any order, requirement, decision, or determination of the Code Enforcement Officer or Planning Board, or to decide in favor of the applicant on any matter on which it is required to pass under this Ordinance, or to effect any variation in the application of this Ordinance. A tie vote shall constitute a rejection of the application being considered.
3. The Board shall decide all appeals or variances within thirty-five (35) days after hearing, and shall issue a written decision on all appeals or variances.
4. All decisions shall become a part of the record and shall include a statement of findings and conclusions as well as the reasons or basis therefore, upon all the material issues of fact, law or discretion presented, and the appropriate order, relief or denial thereof. Notice of any decision shall be mailed or hand delivered to the petitioner, his representative or agent, the Code Enforcement Officer, Planning Board, and Selectmen within ten (10) days of the decision date.
5. A copy of all variances effecting shoreland zoning granted by the Board of Appeals shall be submitted to the Dept. of Environmental Protection within fourteen (14) days of the decision.
6. The applicant shall be responsible for a recording a certificate of variance in the York County Registry of Deeds within 90 days of the final written approval. The variance will not be valid until it is recorded. If the variance is not recorded within the required 90-day period, it shall become void.

## **I. Appeal to Superior Court**

Except as provided in Section J of this Article, any aggrieved party may take an appeal to Superior Court in accordance with State law within forty-five (45) days from the date of any decision of the Board of Appeals.

## **J. Reconsideration**

The Board of Appeals may reconsider any decision within thirty (30) days of its prior decision, if the applicant can provide new and substantial evidence to reconsider. A request to the Board to reconsider a decision must be filed within 10 days of the decision that is to be reconsidered. A vote to reconsider and the action taken on that reconsideration must occur and be completed within forty-five (45) days of the date of the vote on the original decision. The Board may conduct additional hearings and receive additional evidence and testimony. Notwithstanding Section I of this Article, appeal of a reconsidered decision must be made within 15 days after the decision on reconsideration.

## **K. Severability Clause**

Should any section or provision of this ordinance be declared by the courts to be invalid, such decision shall not invalidate any other section or provision of this ordinance.

## **L Effective Date**

The effective date of this amendment is June 13, 2017.

## **Article XII - Amendments**

This Ordinance may be amended by a majority vote of any legal town meeting when such amendment has received public hearing, which hearing has been advertised and given a legal ten (10) day notice.

## **Article XIII - Penalty**

Every person, persons, firm or corporation violating any of the provisions of this Ordinance shall be subject to the provisions of 30-A M.R.S.A. § 4452.

## **Article XIV - Saving Clause**

The invalidity of any provision of this Ordinance shall not affect the validity of any other provision.

## **Article XV - Effective Date**

This Ordinance shall take effect upon its passage.

## **LIMERICK BUILDING CODE ORDINANCE**

The Maine Uniform Building Code (MUBC), as adopted on October 11, 2010 by the Maine Department of Public Safety's Building codes and Standards Board, is adopted by reference, as authorized by 10 M.R.S.A., section 9724 (1-A0 and 30-A M.R.S.A., section 3003. Upon adoption, MUBC shall be effective retroactive to September 28, 2011. The penalty for violation of any provision of MUBC shall be as provided by 30-A M.R.S.A., section 4452. A copy of MUBC is and shall remain on file with the municipal clerk and is available for public use, inspection and examination. Enforce only the Main Uniform Building Code sections RB, CB, RV, CV, and RR.

### **Enforcement:**

This ordinance shall be enforced pursuant to the provisions of 30-A M.R.S.A. 4452 Rule 80K of the Maine Rules of Civil Procedure and Limerick Building Ordinance by any municipal official authorized by law to do so.

**CERTIFICATE OF OCCUPANCY**  
**Use and Occupancy**

No building or structure shall be used or occupied, and no change in the existing occupancy classification of a building or structure or portion thereof shall be made until the building official has issued a Certificate of Occupancy therefore as provided herein. Issuance of a Certificate of Occupancy shall not be constructed as an approval of a violation of the provisions of this code or of other ordinances of the jurisdiction. Certificates presuming to give authority to violate or cancel the provisions of this code or other ordinances of the jurisdiction shall not be valid.